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Hugo Grotius



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Grotius at the age of forty-eight.

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Hugo Grotius

the Father of the Modern Science
of International Law

HAMILTON VREELAND, Jr., LL.B., Ph.D.
of the New York Bar

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TO THE MEN AND WOMEN OF AMERICA

whose combined Thought creates Public Opinion, the Ruler of our Nation, this book is dedicated, with the hope that it may turn their mental and physical energy toward that great movement of the world which will substitute scales weighing Justice for scales weighing Might in the settlement of International Disputes.

*"Maxime autem Christiani reges et civitates
tenentur hanc inire viam ad arma vitanda."*

PREFACE

WHEN this book was begun the world was little interested in the work of the Hollander, Hugo Grotius. To-day, his writings in the field of International Law are once more in the glare of public scrutiny. I say once more, for, during the three hundred years that have run their course since Grotius lived and wrote, his work as a jurist has from time to time been subjected to the severest of tests, occasioned by armed conflicts between nations. Yet the principles which this man laid down to govern the conduct of nations with one another have remained intact to a remarkable degree up to the present day. They have stood the test of time.

The mind of Grotius was projected simultaneously into so many fields, was productive of the finest work in so many subjects, that it is almost impossible to discuss fully and minutely his many phases. His work as a theologian, poet, and historian I have attempted briefly to set forth, but it is his work as a jurist, international lawyer, statesman, and diplomatist that has claimed most of my attention. It is Grotius, the father of the modern science of International Law, who lives to-day, and it is this Grotius whose life I have endeavored to write.

There is exceedingly little published in English on this great man. As one scans the record of history and international politics he comes, from time to time, upon the name, but it is seldom more than a name. The books I have most relied upon are Caspar Brandt's "*Historie van het leven des heeren Huig de Groot*," with Adriaan van Cattenburgh's "*Vervolg der Historie van het leven des heeren Huig de Groot*," and De Burigny's "*Vie de Grotius*."

Caspar Brandt is one of the greatest of Dutch historians. He died before he had completed the life of Grotius, having carried it to the year 1632. An attempt by his son to finish the work was abandoned, and Cattenburgh, also a prolific and exhaustive writer, completed the undertaking. The first edition of the work of Brandt and Cattenburgh appeared at Dordrecht and Amsterdam in 1727, the second edition at the same places in 1732. It will thus be seen that these men wrote at a time most advantageous to their work. Enough years had passed to enable them to obtain the proper perspective as well as to secure access to important letters.

During my research work at the University of Leiden, I was able to verify many of Brandt's and Cattenburgh's references. From this investigation it is evident that their work is all most accurate, and that they justly deserve the reputation they enjoy in Holland. I may further add that I have

seen letters from Pieter and Hugo de Groot, son and grandson of Grotius, to Brandt, offering documents and letters in their possession to the historian for use in his work.

The first edition of De Burigny was published in 1752 at Paris, the second in 1754 at Amsterdam. The references to this work are to the second edition. Burigny's work I have also investigated and found most trustworthy.

In addition to these sources, I have read many of the Latin letters of Grotius. The references to these epistles are to the collection of the year 1687, "H. Grotii Epistolae quotquot reperiri potuerunt. Amstelodami, 1687." The other works mentioned in the foot-notes, being more recent publications, speak for themselves.

Grateful thanks I wish to express to Dr. Leonard C. van Noppen, Queen Wilhelmina Professor of Dutch Literature at Columbia University, and the translator of Vondel's "Lucifer." To him I owe the stimulus that led me to undertake this book, and it was under his instruction that I learned my first Dutch. Throughout the time of research and writing his interest and encouragement have been a constant aid.

I wish also to thank most heartily Messrs. Wouter Nijhoff and August Heyting of The Hague, and Professors Kalf, van Eysinga, and van Vollenhoven of the University of Leiden for references I should probably never have found alone, and for

kindly aid along the paths of rather difficult old Dutch.

To Dr. John Bassett Moore, Professor of International Law and Diplomacy at Columbia University; and to Dr. George M. Priest of Princeton University, I am also greatly indebted for very helpful criticism of this work.

Finally I wish to make public expression of my deep gratitude to my father and mother for their assistance, without which this undertaking would have been impossible.

H. V., JR.

New York, April, 1917.

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Hugo Grotius

CHAPTER I

BIRTH, ANCESTRY AND BOYHOOD

Grotius' birth—His ancestry—His boyhood and early studies—Enters the University of Leiden—His work there—Reputation as a youth—Grotius goes to France with a special embassy.

THE heroic siege of Leiden had been history for eight years,¹ and the world-famous University of that name, given to the burghers of the town by William the Silent, Prince of Orange, as an undying manifestation of his gratitude for, and appreciation of, their heroism and bravery, was still in its infancy, when there came into the world the man who was destined to become the foremost scholar, theologian, lawyer, statesman, and diplomatist of his age, and a poet and historian by no means insignificant.

Huig or Hugo de Groot, named after his grandfather, and better known by the Latinized form of the name, Grotius, was born in Delft at seven o'clock in the evening of Easter Sunday, the tenth of

¹ The Siege of Leiden lasted from November, 1573, to October 3rd, 1574.

April, 1583,² the same year in which the Count of Anjou had undertaken his "rash assault against the Netherlands."³ It was at the very crisis of the great struggle between Spain and the Netherlands begun by Charles V twenty years before and carried on after his death by his son Philip II, and in the very town where, one year later, William of Orange was struck down by the hand of Balthazar Gerard, the agent of Philip II of Spain.

All Europe was then overshadowed with black clouds of massacre, assassination, and war. Fifteen years before, the Holy Inquisition had sent forth the Edict condemning all Hollanders to death as heretics; eleven years before, the Massacre of St. Bartholomew had furnished the precedent for the murder of peoples and assassination of rulers which was followed in 1575 in Antwerp, and which was made more easy of repetition by the frenzied tendencies of the time. The Thirty Years' War, the greatest of the so-called religious wars of Europe, was approaching with the sureness of Fate.

Does it not seem fitting that the man whom pos-

² For a time there was some controversy over the date of Grotius' birth; some, among them Bouhier, claiming that he was born in 1582. However, an examination of the letters of Grotius has left no doubt in the matter, for, on Easter Sunday, 1615, Grotius wrote (Ep. 55, p. 18) to Vossius that, on that day, he was 32; on March 25th, 1617 (Ep. 95, p. 41) to the same friend, "Easter Eve, which begins my thirty-fifth year"; on Easter Day, 1644 (Ep. 697, p. 965), that he was 61 years old. He also informs us that he was 15 when he first went to France (Poems, p. 213), which was in 1598, and that he was 31 on Easter Day, 1614 (Poems, p. 217). The hour of Grotius' birth is given by Brandt, "Het Leven van Huig de Groot," Bk. I, p. 5.

³ This was in January, 1583—Brandt's "Het Leven van Huig de Groot," Bk. I, pp. 5, 6.

terity was to call the Father of International Law, whose "Rights of War and Peace" was destined to serve humanity more effectively than any work not attributed to divine inspiration, should have first seen the troubled skies of these terrible years in the waning light of an Easter eve? Each year throughout his life he celebrated the day of his birth on Easter Sunday.⁴

That Grotius was well born there is not a particle of doubt. Brandt, the old Dutch historian, tells us that "De Groot was born of an ancient and important family,"⁵ and then speaks of the origin of the great lawyer in these words—"It is clear from old memoirs, that there were for several centuries in the Province of Delft many castles and strongholds of noble ancestral houses, among which the castle of Kraeyenburg excelled, lying between Delft and The Hague, to the East of the canal, which, in the general opinion, was dug by order of the Roman General Corbulo, and runs to Leiden, in the place which (though this is not certain) one, in his walking, still⁶ sees the house called 'Crows-Nest'—occupied by the gentleman Herbert van Beaumont, Secretary of the States of Holland and West Friesland. Further it is gathered from no dark sources, that this house of Kraeyenburg has been one and the same house or race with that from which the family of the 'Great'

⁴ Burigny's "Vie de Grotius," Bk. I, p. 7; Ep. 490, p. 895.

"Pascha enim pro Natali, ut scis, observo."

⁵ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 2.

⁶ The first edition of Brandt's "Het Leven van Huig de Groot" was published in 1727.

(Grooten), taken from the Dutch given name de Groot, has taken its origin, this given name of 'Great' having existed in this family for more than four hundred years and in all probability having been given to them for some great and excellent service to the Fatherland. For, from the public registers it is ascertained that the descendant offspring of this stock have been born not only very great lovers of their land, but also brave maintainers of the laws of the land, without giving any thought to their own danger. These men, now that among many others, the castle of Kraeyenburg was annihilated and ruined by civil and foreign wars, betook themselves at last within the adjacent town of Delft, and being received there as lords and being admitted to the most ancient offices of dignity of the State, have held the honorable positions under the same title of de Groot, up to our time, keeping always the coat of arms of the family of Kraeyenburg, which still belongs to the house of de Groot and are even her very own, as the most certain proof of their origin." ⁷

As for the parentage of Hugo de Groot, we know that in the beginning of the sixteenth century there traveled into the low countries a gentleman from France. This man, stopping at Delft, became acquainted with the only daughter of the Burgo-master there, and, falling in love with her, finally obtained her hand in marriage. The name of the bridegroom was Cornelius Cornets, who "held his

⁷ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 3.

origin from the family of Cornets, which had come from France to the Netherlands with the Counts of Borgonje.”⁸ The bride was Ermgardt de Groot, whose grandfather, Hugo de Groot, in 1485, at the age of forty had come to Delft, and whose father Dirk Huigen de Groot had continually filled the offices of Alderman, Treasurer, Burgomaster, and Receiver there, from the year 1491 to the time of his death in 1523.

But the young lady appears to have had a mind of her own about some things, and was not to be won without certain concessions on the part of her prospective husband. It seems that about 1530 the male descendants of the dead Burgomaster had disappeared and that Ermgardt de Groot, finding herself the “head of a house of very great means,”⁹ refused to marry Cornets unless “the sons, which should be born, should have no other name than that of de Groot.”¹⁰ Cornets consented, how readily we do not know, and so it was that the son of this marriage, the grandfather of the great statesman, was named Hugo Cornelius de Groot. Brandt describes the grandfather of Grotius as a man who “reached a high summit of learning in the Hebrew, Greek, and Latin languages,” who “combined the names, coats of arms, means and titles of both houses, namely of de Groot and Cornets, and the old dignities of the house of de Groot, which had been

⁸ *Ibid.*, Bk. I, p. 4.

⁹ *Ibid.*, Bk. I, p. 4.

¹⁰ *Ibid.*, Bk. I, p. 4.

inheritable in the family for three centuries, and which could not be filled by his father, Cornelius Cornets, since he had been born outside of Holland, being renewed, took the offices of Towncouncilman and Burgomaster amid the great applause of the people.”¹¹

Hugo Cornelius chose for his wife Maria Stefens, and after her death, married Elseling van Heemskerk, a daughter of the house of Heemskerk “which has been reckoned of old among the noblest families of Holland,”¹² and which gave to her country, among others, the sea-hero Jacob van Heemskerk, who died in battle before Gibraltar and who has been honored by the Poet of Muiden with a fitting epitaph.¹³

When Hugo Cornelius de Groot died in Delft, April 12th, 1567, in his fifth Burgomastership, he left two sons, Cornelius and John, who, it seems, inherited his ability as well as his possessions, for they both held honorable positions in the service of their country before they died. Cornelius, the elder son and the uncle of Grotius, born July 25th, 1544, having learned Latin in Delft (the town of his birth) under the Rector Henry Junius along with John van der Does, “Heer van Nordwijk,” and Jacob van Egmond, “Heer van Kenenburg,” went

¹¹ *Ibid.*, Bk. I, p. 4.

¹² *Ibid.*, Bk. I, p. 4.

¹³ The Poet of Muiden was Hooft, a contemporary and friend of Grotius. The verse runs:

“Heemskerk, die dwers door’t ijs en ijser darde streven,
Liet d’eer aan’t Landt, hier’t lijf, voor Gibraltar het leven,”
Brandt’s “Het Leven van Huig de Groot,” Bk. I, p. 4.

from there to Leuven to learn the Greek and Hebrew languages, and to study Philosophy, and in his twentieth year to Paris "where he exercised himself diligently in the study of law, and, within a little time, obtained at Orleans the title of 'Licentiaet' of Law."¹⁴ Returning to his native country he served in the Town Council of Delft in the year 1573, as Master of Requests of Prince William of Orange in 1575, and at the same time, the University of Leiden having just been founded, as Professor first of Philosophy (it is said that he knew the philosophic works of Plato almost by heart) and then of Law there. These duties, says Brandt, "he followed and fulfilled with such great zeal and enjoyment that when, in his later years, he was more than once sought as a member of the High Council, he thus heartily refused,"¹⁵ only to have them come to him on numerous occasions for advice on questions of importance. He was elected Rector of the University six times and in this capacity sat as judge for all members of the University in matters both civil and criminal. This remarkable man died on the 25th of July, 1610, the day of his birth, leaving no children.

Jan de Groot, the second son, and the father of Grotius, seems to have possessed the qualities of a student which were so bountifully revealed in his son. As a youth he studied under the famous Justus Lipsius, who "called him 'his intimate friend and pupil,'

¹⁴ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 4.

¹⁵ *Ibid.*, Bk. I, p. 5.

and did not cease, after his departure from Leiden, to exchange letters with him and thus to maintain their friendship.”¹⁶ While still in his early years he translated some Greek verses of Palladas, wrote a paraphrase of the Epistle of St. John,¹⁷ and produced some original Latin verses which were “full of fine incidents and thought.”¹⁸ As a young man he took at Douay the degrees of Master of Arts and Philosophy and then of Doctor of Laws. The intimate friendships which he retained through life, with the most learned men of the country, show that he was truly “a great lover and protector of learning.”¹⁹ In 1589 he was intrusted with the offices of Alderman and Town Councilman in his native city, and from 1591 to 1596 held the Burgomaster-ship; but of more honor than any of these was his appointment as one of the three Directors of the University of Leiden, who chose the professors and had charge of the finances and direction of the University. The honor attached to this office was doubly great, since, of the three men chosen, one was selected from the nobility and the remaining two by the States of the Province from among the cities of Holland or the Courts of Justice.

In 1582 John de Groot had married Alida van Overschie, of illustrious family, and, as the first child of this union, Hugo Grotius was born April 10th,

¹⁶ *Ibid.*, Bk. I, p. 5.

¹⁷ Ep. 22, p. 761, Grotius' letters.

¹⁸ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 5.

¹⁹ *Ibid.*, Bk. I, p. 5.

1583. Of the other children we know little, beyond the fact that before May 16, 1640, when the father died (being survived three years by his wife) there were born two more sons and one daughter.

Hugo Grotius was fortunate in having a father who, in the desire to make him a good as well as a learned man, taught him in his youth the value of the even development and discipline of mind and body. In consequence, one of the most impressive attributes of the famous man was the fine sense of proportion which, throughout his life, always led him to give to his body the care that would enable him to obtain the maximum result from his brain. That Grotius realized and appreciated the value of his home training we have no reason to doubt, for he often declared,²⁰ in later life, that he could never repay his father and mother for the principles they had instilled in him as a boy.

In speaking of the boy, Brandt says:²¹ "In his earliest youth, he gave clear proof of his brilliant wit, noble character and untiring diligence, being as quick of body as of mind. Therefore his father, a man learned in letters, and who could well enough judge what knowledge best could adorn this noble intellect and become useful in the future service of his country, gave him over, before his seventh year, to the care of competent teachers that he might lay the foundations of the Latin and Greek languages. In his eighth year he wrote some Latin verses among

²⁰ Ep. 490, p. 895.

²¹ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 6.

which I find two written with his own hand." The first piece, composed on hearing the glad tidings that the state of Nijmwegen was freed from the Spanish power, was presented in the form given below,²² to Prince Maurice in October, 1591; in the second, which was written about the same time upon the death of his deceased brother, Jan de Groot, the boy of eight addresses his bereaved father with words of comfort!²³

In the pursuit of his early studies, under his preceptor Lusson²⁴ and others, Grotius was so absorbed that he spent a great part of the night with his books. We are told by the old Dutch historian that "when his mother, preferring that he enjoy his proper rest at night, refused to give him candles, he used his Sunday money secretly to buy them."²⁵ Also, he tells²⁶ us that "being rebuked by his parents on a certain occasion about his careless writing (because he, thinking about greater matters, would give himself no time to write slowly and correctly) Grotius gave them the answer 'that writing was only a trade, but needle making was an art,' wishing to learn the

²² "Plaudite Mauritio victori quotquot adestis;
Namque is Caesaream Neomagum venit in urbem,
Vel potius Domino Victori plaudite Christo,
Namque is Mauritio Neomagum tradidit urbem."

—Brandt's "Het Leven van Huig de Groot," Bk. I, p. 6.

²³ "Solve precor tristes gemitus, Pater o reverende,
Namque is Joannes, quem tristia fata tulerunt,
Solvit magna suo, quamquam aegrè, debita letho."

—Brandt's "Het Leven van Huig de Groot," Bk. I, p. 7.

²⁴ Ep. 556, p. 884.

²⁵ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 7.

²⁶ *Ibid.*, Bk. I, p. 7. Brandt obtained these anecdotes, 25 and 26, from the conversation of the friends of Grotius.

last rather than the first" (if he *had* to learn some *trade*).

When he had scarcely reached the age of eleven he entered the University of Leiden, then in its nineteenth year. In the Poems of Grotius²⁷ we have preserved to us some Latin verses, written by J. van der Does, Heer van Nordwijk, who wrote under the name of Janus Dousa. In these verses the poet, who had been very prominent in the siege of Leiden, addressed the young student in words expressive of delight at the precocious start in university education which Grotius had made.²⁸ Nature had indeed lavished her gifts upon him, for, when still very young, he exhibited a soundness of judgment, a power of memory, and a boundless energy which proclaimed him a genius.

At the university the young de Groot seems not to have limited himself to any particular field but

²⁷ P. 447.

²⁸ Van der Does thus addresses the young student:

"Magne puer, Magni dignissima cura parentis:

Nomine sis, dubito, major an ingenio.

Grande quidem, sed enim debes majoribus illud:

Major ab ingenio laurea parta tibi.

Omnia principiis certè tam grandibus insunt.

Fallor? an et talis noster Erasmus erat?

Credo equidem: neque me fallunt praesagia: nam nil

Vel puerile satis corde vel ore sonas,

Quodque aliis aetas, per taedia mille laborum,

Hoc natura ultro gratificata tibi est,

Undecimae vixdum egresso confinia brumae:

Una in te leges ausa migrare suas.

Quid dignum tanta prece indole? perge juventae

Exemplo et genii luce praeire tui.

Et Lugdunensi jam nunc assuesce theatro,

Et patriae in laudes crescere perge tuae.

Tempus erit, quum te mox mirabuntur adultum

Certare antiquis, exsuperare novos."

—Brandt's "Het Leven van Huig de Groot," Bk. I, p. 7.

to have "exercised himself in all sorts of knowledge,"²⁹ delving into Greek and Roman history, Philosophy, Astronomy, Mathematics, Religion and Law, with a thoroughness that enabled him before he was twenty-two to produce the "De Jure Praedae," a work which was to become a masterpiece in the realm of International Law. We have it from Brandt's own hand³⁰ that "he was very intimate with the famous Scaliger, into whose home as a temple of wisdom, he had the freedom daily to come and go, with his intimate companions and comrades Peter Scriverius, Dominicus Baudius, Daniel Heinsius and others."

While a student, Grotius dwelt in the home of Franciscus Junius,³¹ author of "The Peaceful Christian," who has become famous in history for the burning zeal he displayed in favor of the reformation in Holland and France, and for the longing he held for religious peace and toleration in the controversies which ran riot in those troublous times. From him Grotius imbibed the tranquil religious spirit which remained with him through life and which enabled him later to distinguish so clearly between serious religious controversy and the pointless theological quibblings in which the times abounded and which he thoroughly despised. Many years after, he wrote "that this man's (Junius') devoutness was always in his memory and that he him-

²⁹ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 8.

³⁰ *Ibid.*, Bk. I, p. 8.

³¹ Grot. Verantw., p. 295.

self felt far more advanced in the exercise of true Righteousness by his example than by all the books he ever had read.”³²

Of Grotius' work at the University we know very little, but there are preserved to us three poems which he wrote during his first year there, and which marked him as a youth mature beyond his years. The first, written upon the marriage of Georgius Melissus and Maria van Almonde, and the second, praising Professor Joannes Kuchlinus, were in Latin, while the third, which was addressed to the young Prince Frederick Henry upon the arrival of his mother, Louise de Coligny, from France, was in Greek.³³ In these and other early poems he usually signed himself “Hugeianus Grotius,” combining his own name of Hugo with that of his father, Janus or Joannes. However, three or four years later he discontinued the compounding of the two names, and thereafter we find his writings signed simply Hugo Grotius.

As a proof of his intellectual force and power, we have an anecdote which comes through Brandt³⁴ from the mouths of Grotius' friends. His mother, who had been reared in the Popish faith (Brandt uses the expression “Popish misunderstandings”) had remained loyal to her church until her son

³² “Het Leven van Huig de Groot,” Bk. I, p. 8.

³³ The title of this poem is “Ode Pindarica ad illustrissimum Comitum Henr. Fredericum Nassovium Guilielmi Fil., pro adventu Matris,” Brandt's “Het Leven van Huig de Groot,” Bk. I, p. 9.

³⁴ “Het Leven van Huig de Groot,” Bk. I, p. 9.

reached the age of twelve. This seems to have disturbed the youth, and forthwith he undertook her conversion. The story is told by Brandt as follows: ³⁵ "His father, a man of exceptional modesty, who up to this time had been able to influence little of the mind of his wife, had now and then argued with her before, 'that he did not wish to trouble her further, but that he foresaw, that her son would yet convert her.' Following this prediction the young de Groot did not neglect with loving words to show his mother her blindness, saying many times that she had too much intellect to remain a Papist and exhorted her to read zealously the Holy Scriptures, the best torch which could enlighten her eyes. Through this means, accompanied by the healthy conversation of her son, was her sight daily cleared and she was finally stirred to embrace the teachings of the purified Religion with a confession of her previous errors." This incident, coming to Brandt from very good sources, shows that there was little justification for those who, in later years scornfully said of Grotius "that he was educated in the Popish Religion and had sucked in the longing for the Roman Church with the motherly milk and even had had a Catholic Priest for a teacher." ³⁶

That the boy made great strides in his work there can be little doubt, for in his fourteenth year (1597) he took part in two public debates upon philosophi-

³⁵ *Ibid.*, Bk. I, p. 9.

³⁶ See the remarks on the letter of N. Reigersberg, printed 1627, p. 5; also letter of H. Grotius to J. Laurent, p. 31.

cal questions, and wrote in praise of King Henry IV his poem "Triumphus Gallicus, parodia Catulliana," a witty song of triumph, after the style of the poet Catullus, and sung to his Majesty upon his fortunate victory at Amiens. It is interesting to note that this song was dedicated to Paulus Choartus Buzenval, the Ambassador from France, showing that the mind of the boy of fourteen had already turned toward kings, ambassadors and great public events. In the same year, having delivered his public theses in Mathematics, Philosophy, and Law, he left the University. The device which he then adopted, and which he retained as his motto through life, "hora ruit," shows that when still very young he realized the fleeting nature of time.

The reputation of the precocious youth had gone before him, and learned men everywhere spoke of him as a prodigy. As early as 1597 Isaac Pontanus called him ³⁷ "a youth of greatest hopes"; Meursius in 1599 pronounced ³⁸ him to be "a youth without an equal"; Jaques Gilot, in a letter written from Paris to Meursius in 1601, remarked ³⁹ that "he was a youth of extraordinary genius," while Daniel Heinsius declared ⁴⁰ that Grotius was a man from the instant of his birth and never had any childhood. Certainly his childhood, if Heinsius was in a literal

³⁷ "Summae spei adolescentem."

³⁸ "Adolescentem sine exemplo."

³⁹ "Portentosi juvenem ingenii."

⁴⁰ "Ille dum puer fuit,
Vir esse caepit: namque reliqui viri
Tandem fuere, Grotius vir natus est."

sense wrong, was passed, just as were the other stages of his development and preparation, with a power and celerity of attainment almost unknown to the world before or since.

Coming from the University, Grotius ventured to form plans which required great foresight, plans which he executed with such precision, with such perfection, and with such a minimum of lost effort, that the whole Republic was struck with astonishment. He had come into the world at a time when the affairs of the United Provinces were in the greatest disorder. The small territorial divisions had been ripped from end to end by the mighty armies of Philip but still had not been conquered. The Seven United Provinces, still holding to the Protestant Religion (Holland, Utrecht, Friesland, Zeeland, Gelderland, Groningen and Overijssel) had valiantly withstood the terrific onslaughts of Spain. William of Orange, the great hope of the young Republic, deprived of French aid by the Massacre of St. Bartholomew (August 24th, 1572), but fighting valiantly to the last, had fallen July 10th, 1584, by the bullet of the assassin, Balthazar Gerard, a fanatic in the pay of Philip. The previous year had seen the quarrel of Anjou and the Flemish, fanned into a blaze by religious intolerance, give rise to an attempted coup d'etat by the rash and impetuous lover of Elizabeth, Queen of England, and a quavering in the ranks of the great lords of Holland who were beginning to despair.

When William died, uttering as his last words the prayer, "Lord, have pity on this poor land," everything was prepared for proclaiming him hereditary monarch of the United Netherlands; a deputation had in fact been sent to the only outstanding cities of Amsterdam and Gouda to tell them that the affair would be consummated in spite of their opposition, when the intended recipient of the position was struck down. With the death of their leader went Holland's hope, which William had no doubt, fostered, of an alliance with Henry of Navarre, heir to the French crown upon the death of Anjou—a hope which explains William's marriage with Louisa de Coligny, daughter of the Admiral.

In the weakened position in which the States now found themselves they appealed to Henry III, in October, 1584, to receive them as his subjects, but the Catholic League under Henry of Guise was causing the King of France too much discomfort, and their offer was declined. Queen Elizabeth, however, concluded an agreement with the Provinces by which she promised to send five thousand foot, and one thousand horse, under an English general, these men to be paid by her until the war was over, when she was to be reimbursed for their services. The security for this loan was the putting of several Dutch towns, particularly Flushing in Zeeland and Brille in Holland, into her hands temporarily.

But being rather fearful that this convention between her and Holland might offend the King of

Spain, and be regarded in the latter's country as a violation of the then existing Spanish-English alliance, Elizabeth published a manifesto stating that the treaty between England and Holland was one between the respective states rather than between persons. Having thus smoothed the waters of national feeling she sent forth her favorite, the Earl of Leicester, as commander of her forces.

The States, anxious to express their gratitude to England, elected Leicester Governor General of the United Provinces with almost absolute powers, only to find that he was to abuse the freedom they had given him. The displeasure of the Queen with the conduct of her favorite in this office was two months later appeased by a most secret letter from her "Sweet Robin," but the plans which he formed to destroy the liberty of the country he had come to defend, and his unpardonable blunders, were not so easily forgotten by the Dutch; and the Earl, knowing that the majority of the Council were against him, returned to England for an eight months' stay, from November, 1586, to July, 1587.

In his absence the States elected a boy of eighteen to the command of their army, Count Maurice of Nassau, son of the Prince of Orange. The Earl of Leicester, returning to Holland, was resolved to secure possession of more towns, but his attempts to revolutionize the government of Amsterdam and Leiden were frustrated, and, all correspondence being broken off between him and the States, there was

nothing left for Elizabeth to do but to recall him. It is interesting to note that Elizabeth would tolerate no word against her favorite and even went so far as to imprison some who dared to criticize "poor Will," the man whom she sheltered under her royal plumage.

With Maurice of Nassau as their Governor General, the United Provinces successfully defended their liberty for the following ten years; and when Henry IV, having triumphed over the Catholic League (1594), wished to restore peace by a treaty with Spain, he communicated these intentions to the Dutch.⁴¹ Truly the matter was of vital importance to the brave little country in the north. Up to this time France, through the war which she was carrying on against Spain, had protected the Netherlands. The proposal of peace between France and Spain changed the aspect of affairs altogether. Such a peace seemed to hold out to the war-worn and weary Dutch people only a promise of the renewal by Spain of her hostile attacks and religious persecutions. To save them from this disaster two possible ways lay open, either the peace must be prevented or a treaty must be made with Philip. The States, however, being disinclined to accept the terms which Spain dictated, and yet realizing Henry's determination to treat, resolved, in 1598, to send Count Justin of Nassau, natural son of William the Silent and

⁴¹ De Burigny, Bk. I, p. 15, *Mémoires de Bellievre and de Sillery*, T. 2, p. 348.

Admiral of Zeeland, and Grand Pensionary Barneveld to the Court of France in order to beseech Henry not to make a separate peace, but to continue the war with Spain.

An attempt on the part of Henry to bring about a four months' truce between Holland and Spain, in the hope that it might result in a peaceful settlement, having failed, the representatives of Holland set out for France on March 18th, 1598. With them, accompanying the great statesman Barneveld, went Hugo Grotius, a lad of fifteen years.

CHAPTER II

YOUTHFUL ACTIVITIES

The journey of the envoys—Grotius meets King Henry of France—His stay in that country—Returns to Holland and registers as a lawyer—Early writings—The “Adamus Exul,” “Christus Patiens,” “Sophomphaneas”—Friendship of Grotius and Vondel.

THE instructions of the envoys were simply to ask the King to fulfill his covenants with the league, to continue the war with the aid of Holland against their common enemy. As a proof of their readiness to assist, the States-General offered, in addition to the four hundred and fifty thousand gulden (\$180,000) promised by them for the support of the four thousand infantry for 1598, to bring all their military forces to the support of Henry in the war.¹

As was the practice with legations of those times, the envoys took with them all the things they would need on the journey—horses, carriages, beds and scores of servants, using for their trip between Brill and Dieppe, three ships of war.

Landing at Dieppe on the morning of the 20th of March, 1598, the envoys were met at the city gates by the governor of the place, but declined the invitation to occupy the “King’s Mansion,” which was de-

¹ Motley’s “History of the United Netherlands,” vol. III, p. 475.

void of furniture, and instead rested for three days at the Inn. On the fourth day, the twenty-third of March, the party made the trip to Rouen, arriving in the evening.² The next morning they pressed on, stopping only for the night at Evreux, Dreux, Chartres, and Chateaudun, and reached Blois, a tired and exhausted party, on the evening of March 30th. Again taking a day's rest, they pushed onward on the morning of April 1st to Tours and thence to Langeais and Saumur. Finally, on the evening of April 4th, the envoys appeared before Angiers, where they were met outside the gates by the governor of the castle, attended by the young Prince Frederick Henry of Nassau and followed by a long train of nobles and mounted troops.

The details of the negotiations little concern us here. Suffice it to say, that the peace was almost concluded before the envoys had set foot in France. Indeed the southwest wind which had delayed the departure of the legation from the Brill from January 31st to March 18th—forty-six days—had been an ill wind (for, while the party was eagerly waiting an opportunity to sail, Henry, anxious to recover all the cities and forts which the Spanish had taken from him, and to relieve the country of the burden of war, had arranged all the details of the proposed treaty.

² The journey and negotiations of the legation are fully described by Barneveld in his report to the States-General, June 5, 1598: "Verhaal van ons Justinus ende Johan van Olden-Barnevelt van het besogne gevallen in onse Legatie aan de Con. Mat. van Vranckrijck gedaen in den jaere 1598." Also in the *Annals of Grotius*, Bk. VII.

The success of their mission to France having thus been forestalled, the discouraged diplomatists crossed over to England ³ to seek the aid of the English Queen in the extremely perilous predicament in which their country then stood. But here, as in France, they were again doomed to disappointment, finding an irritated and ill-humored Monarch who turned a deaf ear to their entreaties. Not only did she refuse to consider the possession of Brill and Flushing a sufficient security for the offer the envoys made to repay the debt due by Holland to England—a matter of fourteen hundred thousand pounds—in fourteen years, but, troubled by the Irish difficulties and the Ulster rising under Hugh O'Neill, and realizing that her people could never supply by taxation what the mines of Spain brought to the King, she resolved to conclude peace. And so, on May 31st, 1598, the envoys took leave of England from Gravesend, having accomplished nothing of importance in their mission.

On the morning of the 5th of April, Barneveld had introduced the young Grotius to King Henry at an interview in the gardens of the Castle of Angiers. The fame of the youth had gone before him, and his personality seems to have made a strong impression upon King Henry. Brandt describes the visit of Grotius to the Court of France as follows: ⁴ "The fairness of his judgment, the sharpness of his intel-

³ They embarked May 19th, at Dieppe.

⁴ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 11.

lect, the charm of his reasoning, and his matchless understanding which manifested itself so early, pleased the King's heart so much, that he presented the youth with a gold chain, on which his Kingly portrait hung. Also people say that his Majesty on this occasion, pointing at him with his finger, remarked, in the hearing of the various courtiers: 'Behold the miracle of Holland! Look you upon the marvel of Holland!' " ⁵ "Upon the proposal of his Majesty to knight and ennoble him, the young de Groot gave, to the person who came to announce this to him, the answer, 'that he did not wish to do his own race this wrong and thanked the King' " ⁶—meaning no doubt, that he considered democracy and equality the essence of just government.

In France Grotius found an open path to the favor of the counsellors of the Empire and of the advocates and promoters of knowledge and science, and formed many friendships. One with Petrus Jeannin lasted throughout his life and stood him in good stead in later years. "Great enjoyment he also found in the society of the young Prince of Condé, Henry of Bourbon, first Prince of the Royal blood, then only ten years old, who earnestly sought to keep him at the Court under the name of his own private secretary." ⁷ And although Barneveld, in whose care Grotius was, said he could not take the position

⁵ "Voy la le miracle d'Hollande! Ziet daer het Wonder van Hollandt!" *Ibid.*, p. 11.

⁶ "dat hy zyn eigen geslacht dat ongelyk niet wilde hebben aengedaen, en den Koning bedankte," *ibid.*, p. 11.

⁷ *Ibid.*, p. 11.

without the consent of his parents, "since these, when this came to their knowledge, would neither give their stamp of approval or consent,"⁸ yet Grotius retained the honorable title of Private Secretary to the young Prince even after his departure from France. This is proved by the addresses of many letters written to him after this time.

Grotius seems not to have followed the legation to England but to have remained behind in France, for Brandt tells us that "he spent about a year in France."⁹ However, before he departed, at the desire of his parents, from the country which had received him so hospitably, he received the degree of Doctor of Laws from the University of Orleans, his diploma (*promotiebrief*) bearing high testimony to his abilities and attainments.¹⁰

With a thorough knowledge of French, a Doctor's degree, and a portrait of the King of the country he had visited, Grotius returned to the land of his birth to register himself in the following year upon the roll of lawyers. Although he had "had the honor to kiss the hand of that hero who owed his kingdom only to his valor,"¹¹ the maturity of his

⁸ *Ibid.*, p. 11.

⁹ *Ibid.*, p. 11.

¹⁰ *Promotiebrief van de Universiteit te Orleans*—Brandt's "*Het Leven van Huig de Groot*," Bk. I, pp. 11, 12, "and we ourselves because of his honest behaviour, pious life, literature and famous name (which is wide-spread here and through other places and which he has won himself by his praiseworthy diligence) through the testimony of the many who know him are fully assured," etc.

¹¹ Poems of Grotius—In *Pascha*, anni 1612, p. 213:

"Contigimus dextram, qua nulla potentior armis,
Qua, quod regnavit, debuit ipsa sibi."

—De Burigny, Bk. I, p. 17.

judgment enabled him to withstand the temptations which the luxuries of the French Court offered to a life of intellectual idleness, and, with the strong sense of duty that always characterized him, he threw his splendid intellect and energy into the solution of the problems of his own country.

On the 13th of December, 1599, he took as a lawyer, the oath of fidelity before the Court of Holland, presided over by Nicolaes van Valkestein, and two days later before the High Council, presided over by the Councillor Cornelius van der Nieustadt.¹² Since he wished to practice law at The Hague, his father placed him in the home of the Honorable Joannes Uitenbogaerd,¹³ who was then Court Minister of Prince Maurits, and "on account of his fluent eloquence, great intellect and singular gifts, with which God had blessed him, was held in the highest honor and respect by great and small."¹⁴ In later years, when Grotius was harrassed with a criticism by his enemies which bordered upon slander, for living in his youth with this Arminian clergyman, he replied that "he had to thank him (Uitenbogaerd) most highly for his Christian admonitions and edifying example,"¹⁵ and in another place said to his teacher, "I pray God for your health with the same zeal as I pray for that of my father, taking

¹² Brandt's "Het Leven van Huig de Groot," Bk. I, p. 13.

¹³ De Burigny in his "Vie de Grotius" states, Bk. I, p. 9, that Grotius went to live with Mr. "Uytembogard" before he entered the University of Leiden. I have been able to find no authority for this statement.

¹⁴ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 13.

¹⁵ Grot. Verantw., p. 295.

you for my other father on account of your instruction and affection.”¹⁶

It was not long before the young lawyer was pleading before the highest tribunal of the land. It is related¹⁷ of him at this time “that in arguing a certain case, being heated by a youthful passion against his opponent, who was an old and aged lawyer, he spoke so ardently, that the latter admonished him ‘to think that he still was young and spoke against an old practitioner,’ whereupon de Groot had ready this ingenious answer, ‘that I know well, therefore have I first advised with practitioners who are in my office and who have thus instructed me.’ ”

Shortly after his return from France he published in 1599 his “Martianus Capella” with brief, clear notes, dedicated¹⁸ to the Prince of Condé in grateful acknowledgment of the friendship and honor the latter had conferred upon him. In this dedication he praises most highly all such princes and crowned heads as had given their time and intellect to the fostering of knowledge, the men who had encouraged him to go on with the work he had begun; and in the preface he begs the reader to overlook the faults and mistakes of the book because of his youth. The book had been finished in his fourteenth year but its publication had been neglected because of his journey to France.

¹⁶ Brief van den 26 September, 1637, Brandt's “Het Leven van Huig de Groot,” Bk. I, p. 13.

¹⁷ Brandt's “Het Leven van Huig de Groot,” Bk. I, p. 13.

¹⁸ December 29, 1598—De Burigny's “Vie de Grotius,” Bk. I, p. 23.

In precociousness as an author Grotius now stood with the famous men of history who had made themselves known through their writings in the early years of their youth. The young Plinius had written a Greek tragedy in his fourteenth year; the Italian Philippus Beroaldus, when still a boy, had pointed out the errors in the notes of Servius on Virgil; Ludovicus Stella in his fifteenth year had taught Greek Philosophy at Orleans; and now Grotius at fourteen had produced the "Martianus Capella" with notes distinguished by learning and scholarship.

Before these notes stood the portrait of the author, here reproduced from an etching by Jacob de Gein. Above the portrait we find the year, the author's age, and his motto "Ruit Hora"—and below it the Latin inscription:

"Quem sibi quindenis Astraea sacravit ab annis,
Talis Hugeianus Grotius ora fero."

Not long before the "Martianus Capella" was brought before the world, Grotius sent to the Prince of Condé a Latin verse of praise which was later printed among his Latin poems under the title of "Elegia ad Henricum Borbonium primeum Galliae Principem."¹² Also, at this time, he wrote some notes upon "Papinianus and Isidorus," as well as a broad interpretation of six important laws which bore the title "Afgeschafte Wetten" (Smoothed

¹² Beginning:

"Regia progenies, quem Francica gentis origo
Borboniis veteri stemmate nectit avis;"

—Grot. Poem, p. 149.



Grotius at the age of fifteen

Laws); but neither of these writings was published, so far as I can discover, unless they later appeared under other titles, after revision by his more mature intellect.

In the same year in which the "Martianus Capella" was published (1599) Grotius brought out ²⁰ a Latin translation of Stevin's ²¹ treatise on navigation by compass. The accomplishment of this task, which could not have been performed without a knowledge of mathematics, shows that Grotius was as well informed in the sciences as his "Capella" proved him to be in philosophy, logic and rhetoric. Following a resolve which he had made in France the year before, when comparing (with Signor Contarini, Ambassador of Venice) the Republics of Holland and Venice, he dedicated this work on April 1st, 1599, to the latter Republic, which, like Holland, had fostered and cultivated navigation so constantly.

In the early part of the following year, 1600, he wrote his "Epithalamium Regium" on the occasion of the marriage of Henry IV with Marie de Medicis, the divorce between the King and Marguerite of Valois having been granted. This poem, containing the highest praise of the King, a vivid picture of the Massacre of St. Bartholomew, and an explanation of the causes of the civil wars of France before Henry IV obtained the crown, was shown to Scaliger and on July 4th, 1600, ^{21a} was sent to the learned

²⁰ Academiae Lugunno, Batavae Typographum, 1599.

²¹ Stevin was Mathematician to Prince Maurice of Nassau.

^{21a} Grot. Epist. 2, p. 1.

Président de Thou, in France, in order to obtain their advice as to its publication. Thou, formerly Maître des Requêtes, and now President à Mortier, Grotius had not met in France, but upon his return to Holland we find that he sent to the famous Frenchman a copy of the "Martianus Capella," with a letter lamenting the fact that he had not met him—a letter which was the beginning of a correspondence that lasted until the death of M. de Thou.²² Whether it was on the advice of these two friends or was his own decision, we do not know, but the "Epithalamium Regium" is not to be found among his published poems. It is not unreasonable to suppose that M. de Thou, the man whom Grotius called "Vir nostro celsior aevo,"²³ who sent material to him for his history,²⁴ who later advised him as a father when he was about to enter into graver controversies, would not have hesitated to tell him that the poem contained passages which might not be pleasing to all of France, or historical statements which might be disputed.

These early writings of Grotius, especially his "Martianus Capella," took the learned world by storm and caused such scholars as Scaliger,²⁵ de Thou,²⁶ Casaubon,²⁷ and Vossius publicly to avow

²² Ep. 1, p. 1, April 1, 1599.

²³ Ep. 3, p. 1, "The more eminent man of our time."

²⁴ Ep. 3, p. 1; Ep. 4, p. 1.

²⁵ See Latin verse of Scaliger, De Burigny's "Vie de Grotius," Bk. I, p. 24.

²⁶ Grot. Epist. 3, p. 1.

²⁷ Epist. Casaubon, 1030.

their surprise and admiration. Vossius,²⁸ indeed, comparing the youth to Erasmus, declared that the whole world could not produce a more learned man than Grotius.

From this time until the end of his life every year was productive of writings upon the many subjects in which Grotius was interested. The same year,²⁹ 1600, saw the publication of the "Aratea," the treatise on astronomy which Aratus of Sola, in Cilicia, had written in Greek over two hundred years before Christ. The work, under the title "Phaenomena of Aratus," contains, besides the Phaenomena of Aratus in Greek with Cicero's Latin translation and also one ascribed to Germanicus, the fragment of the Prognostics of Aratus, the forms of the constellations as found in a manuscript, and a paraphrase of Festus Avienus, "Cum notis brevibus in margine apposis." Grotius dedicated the book to the States of Holland and West Friesland, promising something better in the future. Perhaps even then he was laying the plans for the great works which were to make him the most famous scholar of his age. The book is an excellent treatise of science and art, and the Latin verses made by Grotius to replace some of those of Cicero which had been

²⁸ "Martianum Cappellam felicissime passim restituit adhuc annorum XIV, annoque uno altero post divulgavit, quo Batavo altero eius terrae cum magno Erasmo lumine nihil nunc undique eruditius vel sol videt, vel solum sustinet," De Hist. Latinis, Lib. 3, and Burigny's "Vie de Grotius," Bk. I, p. 24.

²⁹ Academiae Lugduno, Batavae Typographum, 1600.

lost, are, in the opinion of the Abbé d' Olivet, equal to the work of the great Roman.³⁰ Again Scaliger,³¹ de Thou, Lipsius,³² Casaubon,³³ and Vulcanus³⁴ voiced their praise of the boy who at seventeen had published such a book.

His "Prosopopoeia," in which he makes the city of Ostend, which had been besieged by the Spaniards for three years, speak, was, at the time of its publication, so well thought of that it was ascribed to Scaliger, the greatest poet of that time. Peyresc,³⁵ upon hinting this to Scaliger, was told that he was too old to be liked by the Virgins of Helicon and that the verses were really written by the most accomplished youth,³⁶ Hugo de Groot. Notwithstanding this statement, Mathieu, in his "Life of Henry IV," ascribes them to Scaliger, while du Vair, later Keeper of the Seals, Rapin, Grand Provost of the Constabulary, Pasquier and Malherbe, "the oracle of the French Parnassus," translated the work into French, and Casaubon put it into Greek.

In 1601 Grotius published at Leiden his first trag-

³⁰ De Burigny's "Vie de Grotius," Bk. I, p. 28, "Voyez le Cicéron de Mr. l'Abbé d'Olivet, Tome 9."

³¹ Ep. Scal. 375; Ep. Grot. 2, p. 1.

³² Letter of 16th of November, 1600, from Lipsius to Grotius: "May God take you, worthy de Groot, in his protection, and augment your modesty, virtue and fame."

³³ Epist. 1030, "Mirari omnes, et stupere ad hoc novum ingenii tui portentum."

³⁴ "Nil mirum; Delphis nutritus in ipsis

Plenum Phoebæ numine pectus habes.

Tota patet cortina tibi, et sacraria Phoebæ;

Perge ita, Groti; ipse sic mihi Phoebus eris."

³⁵ De Burigny's "Vie de Grotius," Bk. I, p. 30; authority, "Vie de Peyresc," by Gassendi, Bk. II, p. 79.

³⁶ "Adolescentem lectissimum."

edy, "Adamus Exul,"³⁷ dedicated to the Prince of Condé, a work from which the great poet Vondel obtained materials for his "Lucifer," which Professor Leonard C. van Noppen has translated into English so masterfully. Yet in spite of the fact that the greatest of all Dutch poets, writing in his mature age, resorted for matter to the work of the boy of eighteen, we find that Grotius, in a letter³⁸ to Vosius, July 17th, 1616, expressed his dissatisfaction with this first effort at tragedy, and refused to allow it to appear in the collection of his poems published by his brother. It evoked, however, universal praise from the learned men of the time, a letter³⁹ from Lipsius saying: "I have seen your 'Adamus,' have read it in part and from that part have judged all to be good. Easily can I presume that you are the same in all. I should say that I was astonished if your former writings had not taken away from me the reason for my astonishment (to use this word). You have already given many evidences of your intellect and still continue to give them, so that we not only expect, but demand, of you nothing but what is good and great. The subject especially has pleased me greatly and that you give yourself to the serious occupations and the study of the true wisdom. Those are small intellects, which alone seek the pleas-

³⁷ "Adam in Banishment."

³⁸ Ep. 77, p. 34, "Adami exsulis poema juvenilius est, quam ut ausim addere."

³⁹ Ep. Lip. 99, Centuria Miscellanea, p. 108, Feb. 3, 1602. Also published in Brandt's "Het Leven van Huig de Groot," Bk. I, pp. 17-18.

ure of their mind and apply themselves to elegant words. Let us come to the point and take nothing more to heart than the treating of such subjects as greatly adorn our souls and lead to the true salvation. The intellectual philosophy is a large part of this study, knowledge of which you have very happily given proof of in your tragedy. Go forth to love those things, to stand for knowledge without vanity, for learning without novelty. He who deviates from the common path and seeks circuitous ways, seeks errors and confusions. Keep away from that. So shall God, who is honored here, afterward bless you."

Grotius' second tragedy appeared at Leiden seven years later, in 1608, dedicated to the Knight Petrus Jeannin, Privy Counsellor of the Kings of France, and Ambassador to the States of Holland. The tragedy bore the name of "Christus Patiens" and was very highly praised as a model of perfect tragedy. It was lauded by Casaubon⁴⁰ and translated into English, with a dedication to Charles I, by Sandes.⁴¹ That Petrus Jeannin was a peace-loving Christian there is little doubt, for Grotius in his dedication addresses him in these words: "One can find no subject, more in concord with your heart, which so long has lamented and grieved over the sad quar-

⁴⁰ Casaubon. Epist. 597, p. 313, "Eo viro dignissima, cuius olim pueri, et adhuc sub alis matris, rudimenta doctos omnes stupore perculerunt; ut magnum non videri debeat, si quae hac aetate adultiore scribis, nemo sanus et intelligens, sine admiratione tui possit legere." De Burigny's "Vie de Grotius," Bk. I, pp. 31-32.

⁴¹ Epist. Grot. 1285, p. 582; Ep. 473, p. 889.

reling of this age, and has endeavored to care for the peace of the Church (which we all wish for) with such great diligence." ⁴²

The third tragedy of Grotius, "Sophomphaneas" or "Joseph," the title signifying in Egyptian the "Savior of the world," was published in 1635, shortly before he was called upon to serve as Swedish Ambassador to France. The opinion of the great Vossius with respect to this tragedy is intimated in his remark to Meursius, that it was the most perfect production of its kind the age had produced.⁴³ Vondel, one of the greatest poets the world has ever known, translated this piece of work, "in all parts so perfect that it might be compared with the best plays of the ancients," ⁴⁴ into the Dutch language without the knowledge of Grotius. Upon hearing of the translation, the latter wrote ⁴⁵ to Vossius from Paris, where he now resided as Ambassador from Sweden, "I understand that Vondel has done my tragedy the honor of putting it in Dutch clothes with his own hand, which is a very happy one. I owe him many thanks because he, who by himself can produce better things, has bestowed his labor on the translation of mine, as a proof of his friendship."

This translation by Vondel of Grotius' "Sophomphaneas" forms, with two tragedies of his own, a Joseph Trilogy—the first and third parts being writ-

⁴² Brandt's "Het Leven van Huig de Groot," Bk. I, p. 27.

⁴³ Voss. Ep. 313, p. 317; De Burigny, Bk. I, p. 32.

⁴⁴ Brandt's "Leven van Vondel," p. 51.

⁴⁵ Grot. Ep. 527, p. 204.

ten by Vondel himself, the middle part being the translation.

It may be well here to say something of the friendship of these two men, which, in spite of the great difference in their stations (Vondel keeping a stocking store which his wife, having more of a head for business than for poetry, often tended) lasted throughout their lives. On many occasions the great poet turned to the man he respected as the Phoenix of learning for help and advice, and, as has already been remarked, he actually took from the "Adamus Exul" material for his greatest poem, "Lucifer." To be sure, the poetry of Vondel surpasses that of Grotius as the work of a great poet of mature age would surpass the creations of a youth of eighteen, who, besides being a poet, was also pre-eminent as an historian, a theologian, a diplomatist, a lawyer, and a statesman. Because of differences in birth and station, and the profound respect and admiration the poet had for the statesman, Vondel's letters, dedications and poems to Grotius have the tone of an inferior speaking to a superior. For instance, in his poem on the escape of Grotius from Loevestein, Vondel speaks of Grotius' wife as "gemalin" or "consort," a word which would only be used to-day to designate a titled lady. Nevertheless, of their close friendship, we fortunately have many proofs.⁴⁶ In 1628, Vondel dedicated his translation of Sen-

⁴⁶ See G. Brandt's "Leven van Vondel," edited by Dr. Eelco Verwijs, 1866, p. 46 and following.

eca's tragedy, "Hippolytus," to Grotius, then in banishment, but the printer hesitated to publish the dedication, which consisted of a poem declaring and supporting the innocence of Grotius and Olden Barneveldt, and thus it was that the first edition appeared with the dedication cut out. In 1631, when Grotius arrived in Amsterdam after his long banishment (he had come secretly to Rotterdam in October, 1631, but, followed by the law, which had placed a reward of two thousand gulden on his head, he betook himself to Amsterdam, where he arrived December 9th, and remained in hiding until April 17th, 1632, when he departed for Hamburg) Vondel wrote his "Welcome to Grotius in Amsterdam," speaking without reserve from his innermost heart. The poem was published anonymously owing to the fear of the author that such a defense of a man banished by the government, might bring punishment upon his own head as well.

Again, in 1632, when Grotius found it impossible to remain longer in Holland, and was forced to leave for Hamburg, Vondel wrote a poem on his departure, which, however, he later decided not to publish because he feared it might be too strong in the defense of his friend to please the taste of those in power. Vondel sent a copy of the poem to Grotius, which the latter acknowledged in these lines:⁴⁷ "Your reflections in the poem on my departure, I approve of. With great difficulty should one (mean-

⁴⁷ Brandt's "Leven van Vondel," p. 46, edition of 1866.

ing the officials) have avoided taking offense, and easily could one (meaning Vondel) have done himself harm without doing me good." Thus we see the extremely guarded and cautious language the future diplomatist was obliged to use.

The subjects of his two first tragedies attest that, as a youth, Grotius was already meditating upon those religious subjects which later he was to discuss as an authority without a peer.

William Grotius, brother of Hugo, upon noticing the many mistakes present in the German edition of his brother's poems, brought out in September, 1616, a collection dedicated to van der Myle, son-in-law of the Grand Pensionary Barneveld, Deputy to the States-General, Director of the University of Leiden, and a warm friend of Grotius. In a letter written December 14th, 1615, the preceding year, Grotius shows his disapproval of the project of his brother, anticipating, no doubt, the criticism which actually came when later he attempted to reconcile the two religious factions of his country. That these reproofs cut deeply into his nature is evident from the wish of his later life, that only his sacred poems had been preserved.⁴⁸

⁴⁸ Ep. 736, p. 974, Dec. 10, 1644, De Burigny's "Vie de Grotius," Bk. I, p. 36.

CHAPTER III

THE "DE JURE PRAEDAE"

Grotius is chosen to write a history of his country—His method of pleading—Dissatisfaction with the practice of law—The "De Jure Praedae"—Chosen for office of Attorney General—Marries Maria van Reigersbergen—Grotius publishes "The Free Sea"—England attempts to refute his teachings—"History of Old Holland" published—"History of the Netherlands, 1560-1609," completed—Grotius becomes Pensionary of Rotterdam—The Dutch-English fisheries dispute, over which Grotius is sent to England—Grotius' directions for study.

DURING the years of his "Adams Exul" and "Christus Patiens" Grotius was also working with characteristic energy on subjects, if not more important, surely of more worldly significance. Throughout his life, one of his most astonishing characteristics was his ability to project his intellect, with equal success, simultaneously along the lines of poetry, religion, history, and law.

In the year 1601 the United Provinces resolved to choose an historian who should write, for the benefit of posterity, a history of the exploits of marvelous courage displayed by the people of these tiny Provinces of the north, in the war to maintain their liberty against the tremendous attack of Spain, then the mightiest power of Europe. Over Baudius, then Professor of Rhetoric in the University of

Leiden, Grotius, then a youth of eighteen, was chosen by the States-General¹ for the task.

As a lawyer in later life we find Grotius writing² to his son Peter, giving him his method of pleading and advising him to employ it. "Lest you be worsted by the lack of order observed by those against whom you speak, I will give you advice, which I have found advantageous. Put in place all that can be said by both sides, keeping it strongly in your memory, and, whatever your adversary says, refer to it not under his, but under your classification." Yet to the man now occupied in the service of his country and considered by King Henry IV of France for the position of Royal Librarian,³ the practice of the law seems to have been an irksome task. In a letter of July 21st, 1603,⁴ Grotius complained to his friend Daniel Heinsius, who, although only three years his senior was professor at Leiden, about the insignificance and ingloriousness of the practice with which he fatigued himself. "You know not, my worthy Heinsius," he writes,⁵ "how much time the ungrateful practice robs me of——. In no case has the fruit repaid the cost of the work done——. How sad I become when I hereon think you can understand, who know how my heart longs for study and how a profession must

¹ See Resolution of the States of Holland, Nov. 9th, 1601.

² Ep. 1134, p. 512, De Burigny's "Vie de Grotius," Bk. I, p. 40.

³ The post was finally given to Casaubon, a Protestant.

⁴ Burman. Sylloge. Epist. II, p. 391.

⁵ Fruin's "Verspreide Geschriften," vol. III, p. 367:

"Een onuitgegeven werk van Hugo de Groot."

disgust me which has the name of being only a bare livelihood. Comfort me as you can in my sorrow, that increases with the day. You can not believe how very earnest my complaint is."

Having the instincts and accomplishments of a scholar, Grotius found it difficult to resist the inclination to give himself completely to the pursuit of his favorite studies. In later years ⁶ Grotius, who, as a youth had lamented that "the lawyer only gets hatred from those against whom he pleads, small rewards from his clients, and little honor from the public," declared that his friends by urging him too early to the study of law, retarded the progress he might have made in other directions. Between the years 1601 and 1603, however, he worked with such diligence and productiveness that he advanced by great strides in wisdom and judgment. His published writings are a proof of this, for what in 1601 he was willing to publish, he withheld in 1603 as no longer worthy.⁷

In 1602 his two professors, Francis Junius and Lucas Trelcatius, succumbed to the plague in Leiden,⁸ and Grotius helped Professor Gomar with two elegies to them, the funeral song of Junius being a splendid comparison of the scholar just deceased with the two great Romans of the same name who had done so much for their country.

⁶ In a letter of June 24th, 1621; Ep. 150.

⁷ See Fruin's "Een onuitgegeven werk van Hugo de Groot," p. 406.

⁸ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 19.

Also, in the same year, Grotius lost his younger brother Franciscus Grotius who "was taken away from this world in his seventeenth year, in the midst of his studies in the law, a youth of great hope and expectation, whose death cost his old father salt tears, to dry up which the vigilant Hugo sent to his father a moving funeral poem with many consoling notes, from which all bereaved fathers in like circumstances, of the losing of their children, still, at this time, can draw some relief." ⁹

The year 1604 saw the production of a Latin poem on the siege of Ostend. In this poem the city which had been besieged for three years, a siege which came to an end in September of the following year, spoke in solemn, impressive words of the fight she had fought against famine, the winter, and the plague.

In spite of his impatience with his profession, Grotius seems to have become a very successful lawyer, for, in the same year he was called upon by no less a personage than Prince Maurice for advice and assistance in a controversy with the Bishop of Munster, over the seignorage of Kloppenburg. In 1605 Professor Dominicus Baudius, who called Grotius "the ornament and gem of Holland youth," ¹⁰ requested ¹¹ the young lawyer to protect in court his friend Scriverius in a case considered

⁹ *Ibid*, Bk. I, p. 20.

¹⁰ *Ibid.*, Bk. I, p. 22.

¹¹ Letter of March 6th, 1605. Brandt, *ibid.*, p. 22.

to be wholly lost, writing:—"We must not command such doctors or excellent physicians until the sick lay dying; further, however despairing this matter may be, there is still hope of restoration if the whole Grotius is given to it."

It almost seems as though the learned men of Holland were afraid of the tremendous intellect of the young scholar. Baudius, Brandt tells us,¹² in a letter of September, 1606, relates how Grotius unexpectedly had come into one of his lectures "and had driven such terror into him by his extraordinary presence that he had got lockjaw," causing him, though he had taken a rich subject, to cover it so scantily that he found it necessary, at the end of the lecture, to seek Grotius' pardon!

The winter of 1604 and the spring of 1605 witnessed the composition of a treatise or argument far more substantial than anything the pen of Grotius had theretofore undertaken in the law—the "De Jure Praedae" or "The Law of Spoils." In November, 1864, there was discovered in a sale at Martinus Nijhoff's, in the Hague, a manuscript of Grotius, consisting of two hundred and eighty pages, and inscribed "H. Grotii opus de jure praedae in XVI capita divisum." The manuscript was purchased by the Law Faculty of the University of Leiden, who desired to have it in an open library, and was placed among their collections where it

¹² Brandt's "Het Leven van Huig de Groot," Bk. I, p. 23.

remains to-day. This manuscript, which is clearly a transcript or second copy,¹³ is written in Latin script in the neat hand of the author upon rough, unruled paper. In some places words and sentences are scratched out to be replaced, and perhaps enlarged, with other phrases. Along the broad margin at the left appear the references of the author, the anchors which the student of Grotius soon learns to expect. From what time the alterations date it cannot be accurately said, but certainly not later than the end of 1608,¹⁴ when the twelfth chapter of the manuscript was published under the title of "Mare Liberum." Ink and writing go to prove that none of the alterations are later than those which were in it when it was divided for printing.¹⁵

After the manuscript was safely secured, Professor Vissering, a member of the faculty through which the work was bought, set himself to the task of examining the work, and gave the result of his study to the Royal Academy of learning, in whose report of 1865 his investigation is published. Later, Professor Fruin, also of the Leiden faculty, read the manuscript through and decided to publish the treatise that the world might benefit by it. After consulting Mr. Nijhoff upon the cost of such an undertaking, he conferred with Dr. Hamaker,

¹³ Fruin, who has examined the manuscript very carefully, says this is undoubtedly so, in his "Verspreide Geschriften," vol. III, p. 408.

¹⁴ Fruin's "Verspreide Geschriften," vol. III, p. 408.

¹⁵ *Ibid.*, vol. III, p. 408.

who, as an experienced man of letters was particularly fitted for such a philological task, and who took the care of the printing upon himself. So, in 1868 the "De Jure Praedae" was edited in Latin by these two men, Professor Fruin contributing an article on the origin and history of the book.

The "De Jure Praedae" is a pleading in the great struggle which the Dutch East India Company, for which Grotius was counsel, was waging with arms against the Portuguese, and is thus an argument against the claims of the Portuguese nation under the Papal decree of Alexander VI, May 4th, 1493, dividing the then recognized world into two parts by the "Papal line of demarcation"¹⁶ and giving all discovered and explored lands west of it to the Spanish, all east of it to the Portuguese.

In order to understand the work it is necessary to go back a little way into the history of the times. In 1598, twenty-two ships of five different Holland and Zeeland Companies, had sailed to trade in the East Indies. The Dutch government was apprehensive lest the war waging with Spain should be carried into the Indian Ocean against the Portu-

¹⁶ This line ran from pole to pole, one hundred leagues west of the Azores and Cape Verde Islands, approximately through the now 13th west meridian. Portugal protested to the position of this line, and a conference between Spain and Portugal was held the next year, 1494, at which, by common consent, the line was shifted to a position three hundred and seventy leagues west of the islands, approximately where the 50th west meridian now runs. Fish locates it between 41° and 44° west longitude. After Columbus had returned to demonstrate that the world was round, the line meant nothing, since west was east and east was west if one but sailed west and east, respectively, long enough.

guese, and consequently the captains of these trading ships were advised and warned not to use their cannon and arms except in self defense. The order was: ¹⁷ "Seize or damage no ships, whatever nation they belong to, in the journey out and the return voyage."

But the Portuguese regarded the Dutch merchants as sea rovers, and each ship that came home from her voyage brought fresh news of maltreatment by the nation which founded her right to trade with the colonies upon the decree of the father of Caesar Borgia. Consequently the Dutch, whose foreign policy was even then one of commercial instead of political supremacy, became more and more aroused, and finally the many small and independent trading companies met and in self defense formed one company, the Dutch East India Company, in order that, thus united, they might trade with the Indies and protect their interests there.

The East India Company, now fortified within itself, soon proceeded to carry on the war against the enemy of Holland, and to enrich itself with the spoils. In 1604 Heemskerck brought in as a spoil of war, the *Catharina*. "Still her right to do this was disputed and the mental objections which were raised against it were used by her enemies as a pretext to call to life a dangerous rival next to her. It seemed fitting, not only for the benefit of fellow

¹⁷ Fruin's "Verspreide Geschriften," vol. III, p. 372: "geen schepen, wat natiën die oock toebehoorden, in't gaen ende wederkeeren aen te grypen of te beschadigen."

countrymen, but also for all of Europe to prove the right of the Company to act as it formerly had and to lay a defense for these false excuses, behind which the jealousy of commerce held itself hidden." ¹⁸

It was the writing of such a defense that Grotius took upon himself. Whether he was requested to do so by the directors of the Company it is difficult to say. Certainly no proof is easily discoverable to this effect. However, in a letter ¹⁹ of later date he tells his brother that, "he stood in a new relation to the Company," and that he used the archives of the "United Company" in the writing of his argument is almost certain. Since Grotius was serving the Company as counsel in the adjudication of her case, it is fair to suppose that he was at least encouraged by them to bring forth the "De Jure Praedae."

When the *Catharina* was brought in, Grotius had reached his twentieth year and was practicing law in the Hague, it would seem, rather successfully. That the book was written during the last part of 1604 and the first part of 1605 is proved by the contents, for the author deals with the affairs of 1604, including the capture of Sluis by Prince Maurice,²⁰ on August 20th of that year, while he makes no mention of the Proclamation of Lisbon, April 9th, 1605

¹⁸ Fruin's "Verspreide Geschriften," vol. III, p. 403.

¹⁹ *Ibid.*, Vol. III, p. 403; quoting Ep. App., 450, 507.

²⁰ "De Jure Praedae," p. 170; Fruin's "Verspreide Geschriften," vol. III, p. 407.

(whereby the trade to the Indies was most positively forbidden to all who did not belong to the Portuguese nation) nor to other events of 1605. It seems extremely probable that the affairs of 1605 would have been mentioned had the book been still unwritten at that time.

As to why the book was never published we can only guess. Perhaps the Dutch-English situation a quarter of a century later will throw some light upon the subject. When Selden published, in December, 1635, his "Mare Clausum" in answer to the "Mare Liberum" of Grotius, setting forth the rights of the English over the seas about their island, he worked the Dutch governors and burghers into a state of excitement. Grotius, at that time, wrote to his brother William:—"I am wondering whether the Dutch will protect themselves silently, and so retain what they have (by force), or do so through a defensive publication."²¹ That he had judged the situation correctly is shown by what subsequently happened. At first the States had favored an answer to Selden, and Cunaeus and later Graswinckel were chosen to write it, but when the latter had prepared the defense, the States decided not to publish it, on the advice of Aerssens van Sommeldijck, who remarked, that the freedom of the sea must be protected not with the pen, but with the sword.²² What in 1635 was true with respect

²¹ Fruin's "Verspreide Geschriften," vol. III, p. 408.

²² *Ibid.*, vol. III, p. 408.

to the English, was very probably also true with regard to the Portuguese and Spaniards in 1604 and later. The people of Holland who had been fighting for almost forty years had become imbued with the spirit of war, and quite naturally relied more upon the force of arms than of argument.

In 1607 the "Advokaet Fiscael," or Attorney General of Holland, Zeeland, and West Friesland, Simon van Veen, was promoted to the High Council, and it became necessary to select a new man to fill the vacant position. Accordingly, Grotius, together with Nicolaes Bakker, and Quiryn van Stryen, was nominated for the office by the States on September 4th, 1607,²³ and on the twelfth of November of the same year he was chosen by Prince Maurice, with a salary of one thousand gulden a year.²⁴ The letter from Prince Maurice to the States, appointing this young man of twenty-four years to one of the most honorable positions of the land, is interesting. Translated from the old Dutch,²⁵ literally, it runs:—

"Noble, firm-in-honor, most learned, wise, modest, particularly good friends:—

"We have received Your Excellencies' letters containing the nominations of three persons, from which Your Excellencies have sought that one be chosen by us to the services of the rank or office of Attorney General of the Court of Holland, Zeeland, and

²³ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 23.

²⁴ *Ibid.*, Bk. I, p. 24.

²⁵ *Ibid.*, Bk. I, p. 24.

Friesland, and, having attended to that, we have, after mature deliberation, found it wise to choose the person of Mr. Hugo de Groot to the function of the forementioned office, requesting you to dispatch to him a proper commission to that effect. And herewith, etc.

Your Excellencies' good-willing Friend,
M. de Nassau."

The Hague,
Nov. 12, 1607.

The acceptance of this appointment was Grotius' farewell to the practice of the law, and it is certain that, as he felt his professional practice had been a drag upon him, he left it with no sense of regret. Being now in a position to marry, Brandt tells us that Grotius began "to seek for a quiet wife, who should be able to help him in the many and various happenings and disappointments of this changing life." His father and he decided upon Maria van Reigersbergen, a daughter of an illustrious family of Zeeland, whose father Pieter, Burgomaster of Veere, had served the house of Nassau well, and therefore during the rule of Leicester, had been expelled from the country.²⁶ The willing Mary was led to the altar and the marriage was solemnized in the middle of July, 1608. Perhaps the finest tribute that can be paid to this lady "who surpassed the conceptions of her sex in sagacity and clever-

²⁶ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 27.

ness," is that, throughout her life, she was always worthy of her husband.

After "the applause and congratulations of the most high-flying spirits, who had made his marriage hall noisy with songs," were over, and the honeymoon weeks were passed, Grotius again turned his mind to the question of the trade to the Indies. The year 1608 had seen a renewal of negotiations for peace between Spain and Holland, the Marquis Spinola and other Spanish representatives coming to the Hague in order to confer with the delegates of the States. The Spaniards were willing to recognize the independence of the United Provinces, provided the other conditions were met, but of these the question of the trade to the Indies formed a barrier. The Dutch obstinately refused to relinquish the right they claimed to this commerce, while the Spanish would sanction it at no price, arguing that neither the French by the Peace of Vervins, nor the English by the Treaty of London, were allowed to navigate the coasts which the Spaniards and Portuguese alone had used for a very long time.²⁷ The Ambassadors of France and England contended that that which was permitted by the law of nature and was not forbidden by any treaty, was regarded with justice as something granted. And while the negotiations on this point remained at a standstill, men concerned over the matter wrote treatises²⁸ arguing how un-

²⁷ *Ibid.*, Bk. I, p. 28.

²⁸ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 28.

reasonable the claims of the Spaniards were, being not only injurious to the welfare of the country, but also contrary to all human and divine laws, since every one had as much right to navigate and to trade as they had to the free use of air and earth. If they had not traded in the Indies before the war, this was not from want of right. No possession, however long it might be, could serve to thwart the law of nations. Those who closed the sea and pretended to have the monopoly conducted themselves as real pirates and vampires, who, by engrossing, brought a high price in corn. Peace without a free commerce was no peace, but rather a continual enmity, because the right to protect oneself was taken away.^{28a}

The whole of the summer of 1608 passed with no settlement in sight. Grotius at that time must have often thought of the treatise on this subject which he had put aside unpublished, the "De Jure Praedae," especially of the chapter in which he refutes the claims of the Portuguese to the trade in question by basing his arguments upon the law of nature and of nations.

Not long after his marriage, while his wife was visiting her family in Zeeland, and he was alone in the Hague,²⁹ he took out his manuscript of the "De Jure Praedae," and came to the conclusion that he would publish it in part—namely the twelfth chapter

^{28a} *Ibid.*, Bk. I, p. 28.

²⁹ Fruin's "Verspreide Geschriften," vol. III, p. 410.

upon "The Free Sea." There was not much to alter, a new beginning or introduction, and the one detailed conclusion in place of the two parts of the original chapter, was all there was to do.

Speedily it was prepared and sent to Heinsius, Grotius' friend, in Leiden, in November ³⁰ of that year (1608), under the title of "Mare Liberum," with the request that it be published without the name of the author. But it seems to have been difficult to obtain a printer, for it was January, 1609, before Elzevier began the printing,³¹ and the first traces of spring must have appeared in Leiden before the "Mare Liberum" came before the world.³²

The "De Jure Praedae" is divided into three parts. The first part, entitled "Dogmatica de jure praedae" is given to a discussion of war, the right to wage it and to take spoils, under the law of nature and of nations. The second part bears the inscription "Historica" and relates first, to the tyranny of Alva which drove the Dutch to war against Spain and her allies; second, to the stand of the Dutch against Prince Philip II (who had received control of the Netherlands and the Italian Provinces from his father in 1555); third, to the wrongs the Netherland East India navigators had had to endure from the Portuguese from their coming to India in 1596

³⁰ *Ibid.*, vol. III, p. 410.

³¹ Grotius thought he would have the book translated into French, and asked Heinsius to see one or another French student at Leiden as to the cost, but the plan was dropped.

³² Fruin thinks the book could not have appeared before the first days of March—"Verspreide Geschriften," vol. III, p. 412.

to the capture of the *Catharina* by Heemskerck in February, 1603; and finally to the armed conflict between the two countries. Part three begins with the "Mare Liberum" and deals with the rights of the East India Company to trade in the Indies as they had always done, proving that the Portuguese had no confirmed right to the trade to the Indies and therefore had no just cause to regard the peaceful coming of the Dutch merchants to India as an act of injustice and enmity.

After the war was over, the third part, of course, lost its practical importance as an argument, but the first and second parts are still of value.

Professor Fruin declares,³³ regarding this work, "I do not doubt but that de Groot has, by the publication of the 'Mare Liberum,' adopted the plan of later publishing the other two parts of his commentaries as separate works."

The "Mare Liberum" to elaborate upon what has been said of the third part of the "De Jure Praedae," declares that, according to the principles of Jus Gentium, it is lawful for any people to trade with any other. The denial of this right had led to wars, such as the Spaniards waged against the inhabitants of America, the Israelites against the Amorites, the Greeks against the Mysians, the people of Christendom against the Saracens. The Portuguese had no title to the Indies and therefore could not be owners of the lands. Java and the

³³ Fruin's "Verspreide Geschriften," vol. III, p. 415.

larger part of the Moluccas, they had never possessed, these islands still retaining their own kings and native laws. They had no title by discovery, since to get title in this way there must be both discovery and occupation. As for discovery, the Indies had been known of for centuries before the Portuguese came to them, the inhabitants were capable of holding title and did actually do so. The Pope could give them no title by decree (Papal Bull of Alexander VI in 1493) since his powers were only spiritual. By conquest the Portuguese held no title since they were not at war with many of the peoples with whom the Dutch started to trade. The Portuguese had not occupied the Indies, and they could not occupy the sea. They could acquire no title to it by prescription since prescription is a part of the Civil Law which cannot operate against the Law of Nature, by which navigation is free to all to fit the needs of humanity, and since prescription could give no title to things incorporeal. The air and the ocean were so made by Nature that they might be used by all, time after time, and they ought to be as they were made, free. It is absurd to assert that the sea belongs to the country whose navigators first sail it, for the law takes no more cognizance of the cutting of the sea by a vessel than the sea does, which immediately closes again. As for trade, being incorporeal, it cannot be held by title. *Jus Gentium* establishes free trade.

Thus the Spaniards who, realizing their claims to

be invalid under the Roman law, since this required both discovery and occupation for ownership, had fallen back upon the grants of the church, particularly the Bull of Alexander VI giving to the Portuguese and Spaniards title to newly discovered and explored lands east or west, respectively, of the Line of Demarcation, only to be refuted in argument.

On May 16th, 1609, only a few weeks after the "Mare Liberum" was published, there appeared a proclamation of James I of England, forbidding any person, not a natural-born subject of the British King, to fish upon any of the coasts of Great Britain and Ireland without a license from the Royal Commissioners at London or Edinburgh. Since the alliance between Elizabeth and the States, the Dutch fishermen had been building up a large fishing industry off the British coasts. All went well until the Dutch refused to pay the duties, which had been levied for many years within these seas, and also the "vail" to the English flag.³⁴

The Proclamation of James failed to bring their good manners back to the Dutch, and in 1617, a Dutch ship not only refused to pay the "size herring" duty, but its two convoying ships carried off John Browne, the man who demanded the pay-

³⁴ "From the days of Norman John to those of Scottish James the omission on the part of a foreigner to 'vail,' that is, to strike his flag and lower his topsail, on meeting a British man-of-war in the 'Quatuor Maria' or 'four British seas,' would have infallibly been deemed an act of war or of piracy." Walker's "A History of the Law of Nations," vol. I, p. 163; p. 169, note 2.

ment and an officer of the Admiral of Scotland, to Holland.³⁵ James, now aroused, ordered reprisals on Dutchmen in London, the instant release of the prisoner, and the punishment of the offenders. In the negotiations that followed, Grotius was employed to represent the States-General, as we shall later see. Finally the captors were sent to England for punishment, but the States disavowed the action of the two commanders, declaring that it was not authorized or approved.³⁶ So the struggle over the fisheries went on until the English fleet became powerful enough to put a stop to the Dutch industry of free fishing in these waters.

However, this Proclamation of James I of 1609, renewed by Charles I in 1636, dealt with an entirely different question from that which Grotius had argued in his "Mare Liberum." Now it was not a question of navigation, but of fisheries, not the expansive ocean but a definite part of the sea, of circumscribed and comparatively small area, over which possession was disputed.

England, considering the book of Grotius an argument against her rights, attempted to refute his teachings by counter-writings, and so it was that, in 1613, the "Abridgment of all the Sea-laws" of William Welwood appeared, the first book launched at the "Mare Liberum." Grotius wrote a rather disappointing and unconvincing answer to this,

³⁵ Walker's "A History of the Law of Nations," vol. I, p. 167.

³⁶ *Ibid.*, vol. I, p. 168.

which, however, he did not publish, and it remains to-day in the library of the University of Leiden.

Of more weight than the work of Welwood was the book of John Selden in 1618, presented to King James, but first published in 1635, at the command of Charles I, under the title of "Mare Clausum."

As was the custom of the time, Selden based his argument upon the Scriptures, contending that God had given dominion over the fish of the sea to Adam (Genesis I), and that where dominion over the fish is given, it is likewise given over the sea itself. How the English became the sole descendants of Adam and therefore the inheritors of his rights, he does not prove. He declares that if land can be owned, water can be owned, a statement which no less an authority than Blackstone denied.³⁷ History shows that England followed this doctrine of Selden's until the pressure of the international opinion of the world forced her to abandon it. Upon the principles of "Mare Clausum" the Embargo Acts, which were instrumental in precipitating a war, were founded, and the rights she claimed over vessels and men even in Long Island Sound were the result of this doctrine. In 1803 England was still unwilling to recognize the rights of others on the seas and to surrender the claim, which she insisted was hers, to impressment;

³⁷ 2 Bl. Com., § 18: "For water is a movable, wandering thing, and must of necessity continue common by the law of nature; so that I can only have a temporary, transient, usufructuary property therein; wherefore, if a body of water runs out of my pond into another man's, I have no right to reclaim it."

an attempted treaty of that year between the United States and England failing on that point.

But circumstances had changed the position of Grotius by the time the "*Mare Clausum*" appeared. In 1635 he was a man, exiled from the country he had labored to serve, for the stand he had taken in the religious and political controversies of which the time was rife. Regarding the criticisms of his "*Mare Liberum*," he thought that, since it has been written for his country, the judges who had banished him might now more appropriately defend Holland's claims.³⁸ In one of his letters of this time he declares: "I do not remember what I have been when I see those to whom I have rendered such great service, remember me only to hurt me."³⁹

In March, 1610, the year after the "*Mare Liberum*" had been brought out, Grotius published his history of old Holland, in Latin, under the title "*De Antiquitate Reipublicae Batavae*." Shortly after this he translated the work into Dutch, "his father faithfully assisting him therein";⁴⁰ and later he enriched the book with short notes, which, however, did not come to light until many years had passed.

In this history the author defines an aristocratic government, gives an historical outline of the aristo-

³⁸ De Burigny's "*Vie de Grotius*," Bk. I, p. 46, note c. "*Sunt qui me incitant: ego dico quaerendum ex iudiciis nostris aliquem, cui id muneris delegatur*," Ep. Gr. 144, p. 796.

³⁹ De Burigny's "*Vie de Grotius*," Bk. I, p. 46, quoting from Ep. 383, p. 864.

⁴⁰ Brandt's "*Het Leven van Huig de Groot*," Bk. I, p. 32.

cratic government of ancient Batavia, traces its existence under the Roman Empire, in its height and decline, claiming, from Tacitus, that the Dutch were the allies and not the subjects of Rome. Through the time the Counts of Holland flourished, the first of whom had been Diederic of Friesland, supreme head of his locality and Count of the whole nation, Grotius traces the history. Although these Counts usually followed the rule of primo-geniture, he really reigned by the will of the people rather than by right of succession. Finally, Grotius shows how the war, brought on by the determination of Philip II to enforce his policy, had brought Holland her freedom.

In the dedication of this history to the States of Holland and West Friesland, he placed the sovereignty of these States on the highest level, saying: "This power of the States has been the foundation of the Republic, the refuge and the protection of equal right, the curb of Princely grandeur."⁴¹

From the year 1601 Grotius had worked steadily in his leisure hours upon the then modern history of Holland, and, in 1612, he completed his task. It was in September of that year that he delivered the "History of the Netherlands" into the hands of the Chief-Counsellor of the Land, Barneveld, who presented it to the Council at the meeting held October 4th.⁴² Messrs. van Asperen and Bas were ap-

⁴¹ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 32.

⁴² Brandt's "Het Leven van Huig de Groot," Bk. I, p. 33; from the Resolution of the Council of Oct. 4th, 1612. This Council also paid Grotius the last six hundred gulden due him for his work.

pointed to investigate the book, and to decide whether or not it would be advisable to publish it. That they decided this question in the negative (probably because of the conditions of affairs at this time) is certain, for the book which recounted the events of Dutch history from 1560 to the beginning of the Twelve Years' Truce in 1609, remained unpublished until, after the death of Grotius, his sons Cornelius and Peter brought it before the world in 1657.⁴³ The publication was dedicated to the States, whose ancestors had urged their father to undertake the work. A few years before his death Grotius himself had decided to publish the History, now revised and corrected, and had even written a dedication to Queen Christina of Sweden,⁴⁴ whose Ambassador he then was.

The style of the book is clear and concise, and modeled on that of the great Latin historian Tacitus. The reasoning is logical and strong, supported by quotations, aphorisms and notes—indicative of great familiarity with history, politics, and literature. Brandt, whose opinion in such matters is surely to be respected, declares that: "Grotius showed in this (work) that he was truly great, yes, the greatest and most perfect historian that Holland had ever produced."⁴⁵

In November, 1612, only two months after Gro-

⁴³ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 34.

⁴⁴ *Ibid.*, Bk. I, p. 34. Brandt declares that he has seen a copy of this dedication.

⁴⁵ Brandt's "Het Leven van Huig de Groot," Bk. I, p. 34.

tius had delivered his completed History into their hands, the High Council proposed that he be elected to clothe the senatorial office of their tribunal. But the States of Holland and West Friesland, to whom his name was presented by the Council, considering how faithfully he had filled the office of Attorney-General, and how important he was to them in that position, resolved rather to increase his salary in that office, promising him that he should be placed in the High Council when the country needed him more there.⁴⁶

The honor paid to Grotius by the High Council in nominating him as a member proves, beyond doubt, that his "History of Holland," did not remain unpublished by them because they thought it inadequate or erroneous.

On the twentieth of July, 1612, Elias Barneveld, Pensionary of Rotterdam and brother of the Grand Pensionary of Holland, died,⁴⁷ and the Rotterdam Town Council found it necessary to find a new man for the office. At a meeting of this body held on January 14th, 1613, Counsellor Hogerbeets was chosen, but he declined the office, and one month later,⁴⁸ February 14th, Hugo de Groot was selected. On March 4th, 1613, he accepted the office, with a compensation of "two thousand gulden a year, above

⁴⁶ Resolutions of the States of Holland, November 26th to December 21st, 1612.

⁴⁷ Brandt's "Het Leven van Huig de Groot," Bk. II, p. 42.

⁴⁸ *Ibid.*, Bk. II, p. 43; "Vergadering gehouden den 14 February, 1613."

the house rent, and the other usual emoluments";⁴⁹ and with the position came a promise from Rotterdam that he should never be removed from his office, also of a seat in the Assembly of the States of Holland and later in the States-General.⁵⁰ The office was also the means of drawing Grotius and Grand Pensionary Barneveld into a closer friendship, which was broken only by the death of the latter.

About this time there arose a dispute between the English and the Dutch in which Grotius was one of the principal actors, the dispute over the fisheries already mentioned. Two Dutch vessels had sailed from Amsterdam to the shores of Greenland to hunt walrus,⁵¹ and, having obtained twenty-two, fell in with some English vessels bound for Russia. Upon being asked by the English whether they had permission of the King of England to capture the sea animals of Greenland, the Dutch answered that the sea was free and they were provided with passports from Count Maurice. But the English, not being satisfied with this, demanded and obtained, since their

⁴⁹ "Vergadering gehouden den 4 Maert, 1613"; Brandt's "Het Leven van Huig de Groot," Bk. II, p. 45.

⁵⁰ De Burigny's "Vie de Grotius," Bk. I, p. 50; Grotius' *Apolo-gy*, ch. 19, p. 384, quoted.

⁵¹ It is interesting to note the description De Burigny gives of this animal, lest his readers may not know of what he talks: "C'est un animal marin qui est plus gros qu'un boeuf; il a le muse d'un lion, la peau chargée de poil, quatre pieds, et deux grandes dents qui lui sortent de la mâchoire d'en haut, descendant en bas, plates, dures et si blanches qu'elles ne cèdent ni en blancheur ni en valeur à celles de l'Eléphant." Burigny's "Vie de Grotius," Bk. I, pp. 51-52.

vessels greatly outnumbered the Dutch, the walrus the Dutch had killed.⁵²

When the two Dutch vessels reached home and placed their complaint before the States, it was resolved by the States-General on March 15th, 1613,⁵³ to send Grotius to England, accompanied by Reinier Pauw, Ex-Burgomaster of Amsterdam, Jacob Boreel, Ex-Burgomaster of Middelburg, and Dirk Meerman, Alderman and Councillor of Delft, to demand justice, the "Mare Liberum" of Grotius probably making him better fitted to discuss this question than anyone else in Holland.

Accordingly a conference was held in 1613⁵⁴ between the delegates of the two countries, at which the principal bone of contention was the right of whale and walrus hunting. Burigny states⁵⁵ that the Dutch proved to the English that neither the land nor the sea of Greenland belonged to them, since the land had been discovered and named by the Dutch in 1596, that Hugh Willoughby (on whose discovery the English based their claim) had not touched on Greenland in 1553, but had discovered the island, a part of Finland, which then bore his name,⁵⁶ and

⁵² This account comes from de Burigny, Bk. I, pp. 51-52, of the "Vie de Grotius." Burigny quotes *Mercure François* as authority.

⁵³ Brandt's "Het Leven van Huig de Groot," Bk. II, p. 45.

⁵⁴ Burigny, Bk. I, p. 53, fixed this date the year 1615. Brandt, Bk. II, p. 50, says Grotius was back in Holland in 1613.

⁵⁵ De Burigny's "Vie de Grotius," Bk. I, p. 53.

⁵⁶ The Century Atlas (1897) records the name "Willoughby, 1553," on the island of Nova Zembla, situated off the coast of Finland and Russia. If Willoughby was in Nova Zembla in 1553, he could hardly have touched upon Greenland that same year, as the former place is approximately 75 N. Lat., 60 E. Long.,

had died of cold and hunger on the coast of Lapland.⁵⁷ But the old proverb that the strongest are masters of the sea and such never desire to make restitution, held in this case too, and the conference, from the viewpoint of the Dutch, was very unsatisfactory.

The trip to England did much to bring Grotius and Isaac Casaubon close together in a deep and lasting sympathy and friendship. The latter had, since the murder of Henry IV, taken up his abode in London, finding great favor at Court,⁵⁸ and in that city Grotius saw him daily. There also, the representative of Holland was intimate with Mr. Caron, the Minister from the Netherlands; the Bishop of Ely; and Joannes Overallus, Dean of St. Paul's Cathedral; and was the recipient of honors from James I, who, according to Casaubon, was charmed with his conversation. On April 13, 1613, the latter wrote⁵⁹ to Daniel Heinsius: "I am very well and cannot express my great pleasure in the conversation of so great a man as Grotius. Oh, that wonderful man! I knew him before, but to fully comprehend his excellency and his divine genius, one must see and hear him. His countenance speaks honesty and his speech reveals the profoundest learning and the most sincere piety. Do not think I am his only admirer

and the latter, at its nearest point, 75 N. Lat., 20 W. Long. (Greenwich).

⁵⁷ In a letter of June 5th, 1615 (Ep. 59, p. 19), to du Maurier, Grotius gives an account of this conference.

⁵⁸ Brandt's "Het Leven van Huig de Groot," Bk. II, p. 47.

⁵⁹ Ep. Casaub., p. 965.

for all learned and good men think the same as I, particularly the King." ⁶⁰

Soon after Grotius' return from England, another question of International Law arose in Holland. The States had granted commissions to some privateers, after the custom of the time, who had made depredations on the people of Pomerania, and, after leaving their native country, had refused to return. The injured people applied to the States for redress of their grievances, and Grotius was consulted to decide the question involved, namely, whether the States were answerable for the acts of the privateers because the States had employed bad men in their service or because they had neglected to require security from the privateers upon granting them their commissions. His opinion was that the States were only bound to punish the offenders, or deliver them to the sufferers, if taken, and satisfy the losses of the Pomeranian complainants out of the goods of the pirates. ⁶¹

It may be interesting to note here the substance of a letter ⁶² written by Grotius to M. du Maurier from Rotterdam, May 12th, 1615, of which the latter had a few copies printed, and which was published by Elzevier in 1637 under the title "*De omni genere studiorum recte instituendo.*" Du Maurier, the French Ambassador to Holland, had asked Grotius

⁶⁰ Brandt's "*Het Leven van Huig de Groot*," Bk. II, p. 47, and Burigny's "*Vie de Grotius*," Bk. I, p. 56.

⁶¹ See "*De Jure Belli ac Pacis*," Liber II, Caput XVII, § XX.

⁶² Ep. Grot. 54, p. 17.

to direct him in a course of study, and the Dutch scholar had replied in words which give us an insight into the methods of education of that period. Grotius' advice was to begin with logic, though not with Aristotle, which is too long; then physics, metaphysics and moral philosophy from Aristotle and Nicomachus, Euripides' Tragedies, Terence's Comedies, and Horace's Epistles. These were to be followed with Cicero's Offices, Seneca's Epistles and Tragedies, Plutarch's shorter works and Aristotle's Rhetoric. For a knowledge of law and government he advised the reading of the works of Plato and Cicero on Laws, St. Thomas Aquinas, the first and last three books of Justinian's Code, and Vasquès, Hotoman, and Gentilis on the Law of Nations. For history, one should begin with an abridgment of universal history, going on with whatever is interesting, something modern, and working up Livy later. Grotius also advised the use of a reader as an assistant in study who could read more exhaustively than the one desirous of knowledge, and communicate the most important matter to the latter.⁶³

Grotius realized truly that "Ruit Hora," that only the man with a keen sense of values has time to succeed, but that the man of sharp intellect properly directed at the heart of a matter may do in hours that to which a man of less judgment would devote days.

⁶³ De Burigny's "Vie de Grotius," Bk. I, p. 60.

CHAPTER IV

THEOLOGICAL AND POLITICAL CONTROVERSY

The Arminius-Gomar theological controversy—Maurice favors the Gomarists, Grotius the Arminians—Grotius draws up an Edict to restore tranquillity—The political breach—Grotius is a member of a deputation to Amsterdam—The Prince resorts to force—The 25th of July in Utrecht—Arrest of Grotius.

WHEN Prince Maurice, the second son of William of Orange, was proclaimed Stadtholder in 1585, chiefly by the influence of Barneveld, the people found at their head a man who had all of his father's talents but likewise all of his father's ambition. That they were jealous of his great powers there is little doubt, but they had been forced to throw themselves under his protection because of the scheming misconduct of the Earl of Leicester.

In 1598 the war between Spain and France had been terminated by the Peace of Vervins, and in the same year, at the death of his father, Philip III had taken the throne of Spain, now bankrupt in royal blood and ability, as well as in industry and resources. The naval victories of Holland and the extension of her trade now became conspicuous, and when, in 1608, Spain proposed a truce, Prince Maurice objected to it. However, the Republican party,

led by Barneveld, thinking that a non-acceptance of the offer of Spain would mean the strengthening of the House of Orange to the extinction of the country's liberty, for which the gallant burghers had so bravely shed their blood, urged the peace, and the Twelve Years' Truce was signed in 1609.

While the truce was being negotiated in 1608, Arminius, Professor of Theology in the University of Leiden, publicly advanced a doctrine which constituted a bold departure from the doctrines of Calvin. It was indeed directly contradictory to the Calvinistic principle which had predominated in the Netherlands, namely, that God consigns one portion of mankind to torment and the other to everlasting happiness without considering their acts, that the grace given to the Elect is so all-powerful that it cannot be resisted, and that Christ did not die for sinners.

Arminius declared that God had sent His only Son into the world to redeem mankind; that he had ordained Grace to all to whom the Law should be preached, so that they might believe if they would; that this Grace was offered to all men in such manner that it could be and was resisted, and that God had only chosen and condemned those who, he foresaw, would embrace or reject his Grace.

Gomar, another professor at Leiden, defended the teachings of Calvin and the controversy soon became so heated, that, after being censured by the Synod of Rotterdam, Arminius petitioned the High

Council of Holland and West Friesland to hear the dispute. The Council granted the petition and reported to the States that the whole controversy was over some obscure questions of Grace and Predestination, Barneveld remarking that he thanked God the fundamental points of religion were not in dispute. No question is, however, too insignificant to cause hatred, if only people will quibble over it.

In 1611 the States of Holland, after hearing both sides, advised the contestants to go home and live in peace, but the matter was not to be settled so simply. Men's minds were becoming inflamed, and what at first was merely a controversy of religious factions found its way into the politics of the country, acting as a wedge thrust into the narrow breach already there. Maurice saw his opportunity to use this religious quarrel as an instrument to strengthen his position as leader in the Netherlands, and so to fortify the country against the commercial, religious, and political foes that surrounded her, England, Spain, and France. A greater ruler than he might have seen the wisdom of reconciling the factions into a solid force¹ whose only enmity would be projected beyond the national borders, but Maurice was too short sighted to perceive such an opportunity and chose to side with the Gomarists, the faction of the majority of the people.

When Arminius died on October 19th, 1609,² at

¹ This was later done in England and Prussia by combining Catholic ritual, Calvinist articles, and Arminian Clergy.

² Brandt's "Het Leven van Huig de Groot," Bk. I, p. 29.

the age of forty-nine, Grotius wrote a beautiful elegy to him as one who, in succumbing to a lingering illness, had been freed from the troubles of those schismatical years. At that time Grotius was not actively concerned with the controversy; he had no desire to offend Gomar in commending Arminius, and did not even declare where his sympathies lay. The poem to Arminius was written more to the dead professor of his university, as the poem to Franciscus Junius, whose place Arminius had taken, had been written in 1602, than to the author of the Arminian doctrines. Later, however, on entering more deeply into the matter, Grotius became convinced that the idea that should be entertained of God's goodness and justness was more compatible with the doctrines of Arminius than with those of Gomar, and this conviction lasted with him till death.

Arminius being dead, the overseers of the University of Leiden appointed Conrad Vorstius, a disciple of Arminius, as professor of theology in his place. King James was greatly incensed. He ordered the Professor's books to be publicly burned in St. Paul's Church yard and at the universities, and demanded that the States eject the new professor from the chair and expel him from the country if they wished to keep his friendship.³ The orthodox clergy took up the cry in Holland, and succeeded in raising such a din that the newly appointed professor was never allowed to preach or to teach.

³ Motley's "John of Barneveld," vol. I, p. 335.

Meanwhile, immediately after the death of their leader, the Arminians, as the followers of Arminius were called, drew up a Remonstrance dated January 14th, 1610,⁴ addressed to the States of Holland and setting forth their doctrines under their famous Five Points.⁵ Briefly, they declared that there is no absolute election by which God grants to a chosen few the infallible means of bringing them into eternal happiness, but that he offers to all sufficient means to convert themselves; that election is conditional and that there is no preassurance of salvation.

This Remonstrance was followed almost immediately by an answer from the Gomarist party in the form of the Contra-Remonstrance of Seven Points, and the country found itself becoming more and

⁴ De Burigny's "Vie de Grotius," Bk. I, p. 68.

⁵ These Five Points were:

1. God has from eternity resolved to choose to eternal life those who through his grace believe in Jesus Christ, and in faith and obedience so continue to the end, and to condemn the unbelieving and unconverted to eternal damnation.

2. Jesus Christ died for all; so, nevertheless, that no one actually except believers is redeemed by His death.

3. Man has not the saving belief from himself, nor out of his free will, but he needs thereto God's grace in Christ.

4. This grace is the beginning, continuation, and completion of man's salvation; all good deeds must be ascribed to it, but it does not work irresistibly.

5. God's grace gives sufficient strength to the true believers to overcome evil; but whether they cannot lose grace should be more closely examined before it should be taught in full security.

Afterwards they expressed themselves more distinctly on this point, and declared that a true believer, through his own fault, can fall away from God and lose faith.

Motley's "John of Barneveld," vol. I, p. 336, taken from: Wagenaar, vol. X, pp. 36, 37; "Haagsche Conferentie," vol. I, p. 425; Brandt, "Hist. der Ref.," vol. II, p. 128; Uytenbogaert, pp. 524, 525.

Burigny, in his "Vie de Grotius," Bk. I, pp. 69, 70, 71, says the same in substance.

more divided by the wedge of theological squabbling.⁶

The controversy, now fanned into a flame, raged on. The children of the people who with one mind had withstood the might of Spain and the Holy Inquisition, were now all-absorbed in fighting each other. From mansion to fisherman's hut they were split by the invisible axe into factions bearing only hatred for the other. The Provinces of Holland

⁶ The Seven Points were:

1. God has chosen from eternity certain persons out of the human race, which in and with Adam fell into sin and has no more power to believe and convert itself than a dead man to restore himself to life, in order to make them blessed through Christ; while He passes by the rest through His righteous judgment, and leaves them lying in their sins.

2. Children of believing parents, as well as full-grown believers, are to be considered as elect so long as they with action do not prove the contrary.

3. God in His election has not looked at the belief and the repentance of the elect; but, on the contrary, in His eternal and unchangeable design, has resolved to give to the elect faith and steadfastness, and thus to make them blessed.

4. He, to this end, in the first place, presented to them His only begotten Son, whose sufferings, although sufficient for the expiation of all men's sins, nevertheless, according to God's decree, serves alone to the reconciliation of the elect.

5. God causes the Gospel to be preached to them, making the same, through the Holy Ghost, of strength upon their minds; so that they not merely obtain power to repent and to believe, but also actually and voluntarily do repent and believe.

6. Such elect, through the same power of the Holy Ghost through which they have once become repentant and believing, are kept in such wise that they indeed through weakness fall into heavy sins; but can never wholly and for always lose the true faith.

7. True believers from this, however, draw no reason for fleshly quiet, it being impossible that they, who, through a true faith were planted in Christ, should bring forth no fruits of thankfulness; the promises of God's help and the warnings of Scripture tending to make their salvation work in them in fear and trembling, and to cause them more earnestly to desire help from that spirit without which they can do nothing.

Motley's "John of Barneveld," vol. I, p. 337, from the same sources as the Remonstrance.

and Utrecht were Remonstrant but the five other Provinces were decidedly Contra-Remonstrant.

Henry Rosaeus, a Gomarist preacher, having broken with Uytenbogaert, who had written the Remonstrance, was excluded from his Church, called the Great Church at The Hague. Undaunted, the divine preached every Sunday at Ryswyk, a few miles distant from The Hague, whither seven hundred devoted Contra-Remonstrants followed him on foot, winning for themselves the name of "Mud Beggars" on account of the condition of the winter roads.⁷

Having returned in 1613 from his mission to England, whither he had gone to argue the fishing and whaling rights in northern waters, Grotius was appointed to draw up an edict⁸ which should restore tranquillity, a rather difficult task even for so great a man. A majority of the preachers and of the lower classes, being Contra-Remonstrants, were opposed to the magistrates and patricians, who were Remonstrants, the Gomarists maintaining that ecclesiastics should regulate ecclesiastical matters, while the Arminians held that the state should decide these things for the church.

The Edict was drawn and published, but it only made matters worse. It was regarded as too favorable to the Remonstrants, and therefore gave offense to the Gomarists or Contra-Remonstrants. Riots

⁷ Motley's "John of Barneveld," vol. I, p. 343.

⁸ Printed in full in Appendix.

broke out, causing Barneveld to propose to the States-Assembly of Holland that the magistrates of the cities of that Province should be empowered to raise troops for the suppression of the disorders. Amsterdam, Dordrecht, and three other towns favoring the Contra-Remonstrants protested against this step, which they regarded as a hostile military move; but, as the Remonstrants were in majority, the motion was agreed to, and, on August 4th, 1617, the act was duly published.

This measure was the death warrant of the Grand Pensionary, and the ruin of Grotius in the Netherlands, for it aroused against them the enmity of Prince Maurice, who had cast his lot with the Gomarists and had the majority of the States-General on his side. Maurice looked upon the action of the States, without his consent, as derogatory to his dignity as Governor and military head of the Provinces. He had cherished a deep dislike for Barneveld since 1609, when the latter was instrumental in concluding the Twelve Years' Truce without his approval. He accordingly condemned the Edict of Grotius, declared himself in favor of the Gomarists, and forbade the soldiers to obey the order of the States-Assembly to put down the riots; while the Contra-Remonstrants, strengthened by the powerful backing of the Prince, separated from the communion of the Arminians.

All the while Grotius, although he undoubtedly favored the Arminian cause, was truly desirous of

bringing about a reconciliation of the warring factions into a solid national unit. He declared that "religious differences in kingdoms were injurious, but in free states most destructive."⁹ He realized that "the Reformation was not brought about by synods but by kings, princes and magistrates," and that it represented a struggle between state and church for political supremacy.

Meanwhile the States resolved to send a deputation to the city of Amsterdam, which was almost as powerful as the rest of the Province, in the hope of turning her sympathy and support from the Gomarist cause to the side of the Remonstrants. Accordingly, on April 22nd, 1616, Grotius, Adrian Mathenes, Hugo Musius, and Gerard van Eych, chosen by the States for this mission, set out from The Hague for Amsterdam.¹⁰ At a meeting of the Town Council the next afternoon, at three o'clock, Grotius, as spokesman, made an heroic effort for peace, declaring¹¹ that the States desired and earnestly requested the coöperation of Amsterdam in the attempt they were making to bring about toleration and peace, this being the only way in which the matter could be settled, and tranquillity and union restored to the states.

⁹ Motley's "John of Barneveld," vol. I, p. 343, from Wagenaar, X, 137.

¹⁰ De Burigny's "Vie de Grotius," Bk. I, p. 81; and Brandt's "Het Leven van Huig de Groot," Bk. II, p. 71.

¹¹ Grotius delivered his speech in Dutch. It was translated into Latin by Theodore Schrevelius, and printed in his theological works.

The Council promised to consider the proposal, but on April 25th, the twenty-fourth being Sunday,¹² they dismissed the legation with the statement that they could not accept the Edict of 1614 without detriment to the commerce of the city. Though Amsterdam, and the other four cities holding to the Contra-Remonstrant doctrines, formed only a small minority in the States-Assembly of Holland, they were supported by a large majority in the States-General, and so it is not strange that they should have felt strong enough to refuse the requests of the delegation of which Grotius was spokesman.

Soon after the departure of the delegates from Amsterdam, Grotius was seized with a fever, which De Burigny states¹³ was caused by agitation over the failure of the mission, but he recovered completely after a rest at Delft, and was soon occupied, on the advice of the States of Holland, in the preparation of a petition to Prince Maurice, asking that the Five Points of the Remonstrants be examined and passed upon by a Synod of Holland, the decision to be carried to a Synod of all the Provinces. This plan did not please the Prince, who desired a National Synod in which the Contra-Remonstrants were sure to triumph, and the States-General, devoted to Maurice, decided to hold a National Synod in Holland itself, at Dordrecht—the Provinces of Holland, Utrecht

¹² Brandt's "Het Leven van Huig de Groot," Bk. II, p. 78.

¹³ De Burigny's "Vie de Grotius," Bk. I, p. 86.

and Overijssel protesting. Action, however, of a much more decisive nature was soon to be taken. Prince Maurice, seeing that in the cities of his country forces of militia were being raised without his consent, ordered that they be disbanded, and, when this demand was refused, resolved to place himself at the head of his army of religious fanatics to put down what he regarded as acts of rebellion.

Setting out in 1618 forcibly to remove all ministers and officials suspected of favoring Arminianism, he encountered little opposition in Overijssel, and was successful against the cities of Arnhem and Nijmegen. The States of Holland, now realizing that the Prince would strike Utrecht next, arranged a meeting between the Utrecht Commissioners (one of whom was Gillis van Ledenberg, Secretary of the Assembly of Utrecht), who had come to The Hague to confer secretly with Maurice, and Grotius, Pensionary of Rotterdam; Hoogerbeets, Pensionary of Leiden; de Haan, Pensionary of Haarlem; and de Lange, Burgomaster of Gouda, at the house of Daniel Tresel, first clerk of the States-General.¹⁴ At this meeting, Grotius, as spokesman, urged the town of Utrecht to maintain her troops which were to defend the sovereignty of the state against those who, under the guise of religion, wished to subject them to a foreign power.

The commissioners of Utrecht pleaded the great

¹⁴ Brandt's "Het Leven van Huig de Groot," Bk. III, pp. 121, 122.

expense which the maintenance of mercenaries laid upon that Province, and the displeasure of the Prince, from which they were sure to suffer. And since those opposed to maintaining the Waartgelders were very strong, the States of Utrecht were resolved to ask the Prince to remove the bodies of mercenaries and to substitute the old native militia, to be paid by the episcopate, the States agreeing to disband the new levies.¹⁵ A deputation from Holland to Maurice, presenting this proposition to the latter in behalf of Holland and Utrecht, was only ignored.

On July 25th (1618), at eight o'clock in the morning, Grotius, Pensionary of Rotterdam and Councillor; van Torenvliet, Burgomaster of Leiden; Hoogerbeets, Pensionary of Leiden; and Schoonhoven, Councillor, arrived in Utrecht¹⁶ to urge them to maintain their Waartgelders, and to promise them the support of Holland in their opposition to the Stadtholder. Here they were met by Gillis van Ledenberg, Secretary of the Assembly of Utrecht, who introduced them to the latter body.¹⁷ But the affairs of the Provinces were coming rapidly to a crisis, and the quaint and beautiful town of Utrecht, situated on the quiet waters of the old Rhine was to be the principal scene of the drama. Into the midst of this secret council walked the Stadtholder himself

¹⁵ Motley's "John of Barneveld," Bk. II, p. 225.

¹⁶ Brandt's "Het Leven van Huig de Groot," Bk. III, pp. 123-126.

¹⁷ *Ibid.*, Bk. III, p. 124.

that very evening,¹⁸ an extremely unwelcome guest to Grotius. Sir John Ogle, commander of the troops paid by Holland, knew well to whom he owed obedience, but he obstinately refused to act against the wishes and plans of Maurice, and it was in vain that Grotius urged the Province to protect its rights, to maintain its Waartgelders which had been lawfully enlisted under the Union of Utrecht of 1579.¹⁹

Under the insistance of Maurice, who declared that "he had five provinces and six cities of Holland on his side," that "the Waartgelders were worse than Spanish fortresses" and that "they must go,"²⁰ Utrecht was powerless, and early in the morning of July 31st, the Prince with characteristic skill quietly took military occupation of the town.²¹ Utrecht awoke to find the Waartgelders only a memory of yesterday.

Maurice was quick to follow up his sudden victory with changes of lasting effect, and, four days after his soldiers had taken possession of the town, a new body of magistrates was substituted for the old, to

¹⁸ *Ibid.*, Bk. III, p. 126.

¹⁹ Formed January 29th, 1579. This document was originally signed by only Holland, Utrecht, Gelderland, Zeeland and Friesland, but Groningen and Overijssel, as well as the towns of Ghent, Bruges, Ypres, and Antwerp, later joined. By this Union each province, though it renounced its right to make separate treaties, was to retain its special liberties and privileges, and to decide upon the religion it should adopt, individual freedom of conscience being allowed. The Confederacy was to be ruled by a General Assembly formed of deputies from each provincial assembly. Johnson's "Europe in the Sixteenth Century—1494-1598," p. 358.

²⁰ Brandt's "Het Leven van Huig de Groot," Bk. III, p. 126; from manuscript notes of Grotius.

²¹ *Ibid.*, Bk. III, p. 130.

hold office for life, although their predecessors had only remained from year to year. Needless to say, these new magistrates, and those appointed in like manner throughout the provinces of Holland and Utrecht, had little Arminian sympathy, and looked upon the Stadtholder as supreme head, although he formally acknowledged the States-General as his sovereign.

It now looked as though the Province of Holland was too weak to oppose the holding of the Synod at Dordrecht, and Grotius, who had escaped in safety from Utrecht, and Barneveld were busy working for a compromise, to the effect that the decisions of the Synod should not be regarded as binding until ratified by the separate states,²² when Maurice played his last and strongest card.

In spite of the warnings of their friends that they were in danger of arrest, Barneveld, Grotius, and Hoogerbeets, who believed that they had done nothing but actively defend the constitutional rights of their country, chose to remain at The Hague rather than seek refuge in a fortified town in sympathy with their cause. On the morning of the twenty-ninth of August, 1618,²³ Grotius started to a meeting of the States of Holland within the ancient Binnenhof or Inner Court. Passing through the parts of the

²² Motley's "John of Barneveld," vol. II, pp. 236, 237.

²³ Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 135; from the manuscript notes of Grotius. De Burigny's "Vie de Grotius," Bk. I, p. 92, note a—Ep. 104, p. 785; "Scribebam die 29 Augusti, 1625, quo captivitatis nostrae inchoatae memoriam celebramus."

buildings composing the apartments of Maurice, he was stopped by the Chamberlain of the Prince who said that "his Excellency wished to speak with him and that the Chief-Counsellor (Barneveld) was also there."²⁴ He had hardly mounted the stairs when he was met by Peter van der Meulen, Captain of the Guards, who announced that he had orders from the States-General to arrest him. Forthwith he was taken to a room in these apartments, where he was guarded by two halberdmen. Later he was transferred to another room facing upon the Binnenhof, and in the evening was removed to a third chamber where he remained three days and nights with the window shutters barred.

Barneveld and Hoogerbeets had each been arrested in the same way, while Secretary Ledenberg was taken prisoner in Utrecht, later to be confined at The Hague. Thus the three statesmen were quietly but effectively silenced. Truly the Prince's last card had swept the table.

The same day, the following unsigned notice appeared at The Hague:

"Whereas, by the changes, brought about within the city of Utrecht and elsewhere by the High and Mighty Lords, the States-General of the United Netherlands, through his Excellency and their Lordships' committee joined with him, various things have been uncovered, of which there had previously been great suspicion, serving to the great injury and

²⁴ Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 135.

prejudice of the Provinces in general and of each Province in particular, not without apparent danger and peril to the State of the Country, and that thereby not only the forementioned city of Utrecht, but various other cities of the United Provinces would have fallen into a blood-bath and that the greatest offenders thereof are considered John of Barneveld, Chief-Counsellor of Holland; Rombout Hoogerbeets; and Hugo Grotius; whereof hereafter announcement and declaration will be made. So have the High-Mentioned Lords, the States-General in order to prevent these and similar inconveniences, to place the State of the Land in security, and to bring the burghers of the towns again into civil unity, relationship and friendship, found it good and resolved to arrest the forementioned three persons, in order that out of their imprisonment they may be held to answer for their actions and offenses. Executed in The Hague the twenty-ninth of August, 1618.”²⁵

A committee representing a majority of the States of Holland, going to the Prince to protest against the arrest, received little satisfaction, for its members were informed that he, Maurice, had nothing to say in the matter, the States-General having taken the action. True, on the twenty-eighth, the day before the arrest, eight members of the States-General, in a secret meeting, had authorized the arrest, and now,

²⁵ Brandt's "Het Leven van Huig de Groot," Bk. IV, pp. 135, 136.

by the proclamation of the twenty-ninth, the States-General took all the responsibility. A clever man was Maurice of Nassau, now called Prince of Orange, since the death of his brother, Philip William, at Brussels on February twenty-first, of this year. Supreme head of the Netherlands in fact, though not in name, he had quickly triumphed; the Gomarist cause now had a clear field before it, for the men who had defended the sovereign rights of the Provinces were in prison.²⁶

²⁶ Maurice had never been appointed Captain-General of all the United Provinces. After the departure of the Earl of Leicester from Holland, November 24th, 1586, he had been made Captain-General of Holland and Zeeland. In 1590 he was appointed Stadtholder and Captain-General of Gelderland, Utrecht, and Overijssel. Johnson's "Europe in the Sixteenth Century, 1494-1598," pp. 371-378.

CHAPTER V

ARREST AND TRIAL

National Synod held—Intervention of Louis XIII in behalf of the prisoners—Grotius writes to Prince Maurice—Letters to and from his wife—His first examination—Ledenberg kills himself—Barneveld's sentence and death—Grotius condemned to perpetual imprisonment.

As Maurice had acted one month before at Utrecht, so he acted now. He had struck at the heart of the opposition, and now it was necessary to wipe out the effects of his opponents' work. Accordingly, without losing valuable time, he started, a few days after the arrest of the three Remonstrants, upon a tour of the country, the purpose of which was to consolidate his cause by the complete elimination of the Arminians from church and civil offices.

It is almost superfluous to say that he met with little or no resistance as he traveled, for the people had not yet recovered from the blow his military forces had struck, and in Rotterdam, where Grotius had served as Pensionary, he took the great church away from the Remonstrants, placing a garrison of one hundred men in the town to insure himself against a further uprising, while Vorstius, Uytenbo-

gaert, and Episcopius, the most enthusiastic Arminians, were deposed.¹

All effective opposition to the National Synod having been quashed, the States-General proceeded to open it on the 13th of November, 1618.² It was composed of seventy Contra-Remonstrants and fourteen Remonstrants,³ with John Bogerman, Minister of Leewarden in Friesland, as President. On the 10th of December the Remonstrants presented a declaration stating that they would not recognize the Synod since it was an illegal assembly in which the men were their own judges, and proposing twelve conditions under which, and only under which, they would recognize it.

For this bit of impertinence the Arminians were duly censured, and, although desirous to leave the assembly, were ordered to remain, only to hear their articles condemned, the Arminian ministers declared guilty of corrupting religion, and deposed. The decision of the Synod was approved by the States-General, July 2nd, 1619,⁴ and on the same day the Arminian ministers who had been detained at Dordrecht were banished or imprisoned, while the property of some was confiscated.

In the meantime mischief had been at work against the three imprisoned statesmen. Reports were cir-

¹ De Burigny's "Vie de Grotius," Bk. I, p. 95.

² De Burigny, *ibid.*, Bk. I, p. 95.

³ *Ibid.*, Bk. I, p. 96, quoting Grotii manes, p. 132.

⁴ *Ibid.*, Bk. I, p. 97.

culated widely by their enemies that Barneveld and Grotius had been bribed by Spain to betray the Provinces, that they had taken money from the Spaniards in 1609 to conclude the Truce, that they had instigated disputes and uprisings purely to disunite the Provinces and to introduce into Holland the Roman Catholic religion of Spain. No insinuation was too false or disreputable to be scattered among the mad people in libelous verses or caricatures.

But one ray of hope shone upon these dark scenes in the form of the intervention of Louis XIII of France. In July, 1618, Grotius, before his arrest, had received a letter from the King, offering his aid in holding the discordant provinces together. It read as follows:

“Mr. de Groot:

“I send with this letter my Ambassador Extraordinary, M. de Boissise, my Counsellor of State, to help contrive means to decide the quarrels which have arisen in your land, the consequences of which could draw after them very dangerous events to the disturbance of the tranquillity of your Republic, whose salvation and advantage are most highly taken to heart by me. I wish to give to the country by this means a clear testimony of good friendship and alliance, and I wish to assure your Highness through the same M. de Boissise of my good inclination towards you. Moreover, Mr. de Groot, I pray God

that he take you in His holy protection. Written in Paris the twelfth of July, 1618.

“LOUIS.⁵

(and below)

“BRULART.”

According to his instructions, the Ambassador Extraordinary, before affairs had reached a crisis, appeared before the States-General on August 14th, 1618. Speaking in the cause of unity and peace, he entreated them to do all in their power to preserve the State, “that State” he declared, “which lifts its head so high that it equals or surpasses the mightiest Republics that ever existed, and which could not have risen to such a height of honor and grandeur in so short a time, but through harmony and union of all the provinces, through the valor of his Excellency and through your own wise counsels, both sustained by our great King, whose aid is continued by his son. The King, my master, knows not the cause of your disturbances. You have not communicated them to him, but their most apparent cause is a difference of opinion, born in the schools, thence brought before the public, upon a point of theology. That point has long been deemed by many to be so hard and so high that the best advice to give about it is to follow what God’s Word teaches touching

⁵ Brandt’s “Het Leven van Huig de Groot,” Bk. III, p. 131. Long after this, though as soon as he was able, Grotius thanked King Louis and du Maurier, his Ambassador Ordinary, for their interest and trouble in his behalf.

God's secrets, to wit, that one should use moderation and modesty therein and should not rashly press too far into that which he wishes to be covered with the veil of reverence and wonder. That is a wise ignorance to keep one's eyes from that which God chooses to conceal. He calls us not to eternal life through subtle and perplexing questions." ⁶ Picturing their dissensions, then, as having an effect beyond the borders of the country, he added; "What joy, what rapture you are preparing for your neighbors by your quarrels! How they will scorn you! How they will laugh! What a hope do you give them of revenging themselves upon you without danger to themselves! Let me implore you to baffle their malice, to turn their joy into mourning, to unite yourselves to confound them." ⁷

Again on the twelfth of December, de Boissise and du Maurier, Ambassador Ordinary to the Netherlands from France, urged the States-General to heed the words of their King, declaring that the latter would take great offense at the slight regard they paid his counsels, prayers and friendship, and promising them that a continuation of their attitude would cause a corresponding change in the King.⁸ But the representatives of Louis might as well have tried to stem the tide of the ocean as attempted to secure

⁶ Motley's "John of Barneveld," vol. II, p. 254, quoting Baudartius, X, 60, 61; and Brandt, "Hist. Ref.," II, 821.

⁷ Motley's "John of Barneveld," vol. II, pp. 254, 255, quoting Brandt, "Hist. Ref.," II, 821.

⁸ De Burigny's "Vie de Grotius," Bk. I, p. 101.

impartial judges to try the prisoners. Except a promise that the States would act with the leniency and clemency which justice and *the safety of the State* would permit,⁹ which, of course, meant nothing at all, the Ambassadors met with no success.

To make matters worse for the prisoners, Francis Aerssens, former Ambassador of the States to France, opened an old quarrel. For the past few months a bitter controversy had been waging between the latter and Cornelis van der Myle, son-in-law of Barneveld, a diplomatist, who had been the first Ambassador to the Venetian Republic, and the head of the special embassy to France in 1610, relating to the recall of Aerssens from the French Embassy.¹⁰ Van der Myle had proved by letters of the Queen-Dowager and her counsellors, that the Ambassador had left his post at the express wish of the French government. On September 2nd, 1618, four days after the arrest of the three Remonstrants, Aerssens threw the whole matter before the States-General, and the affair, opening as it did the old trouble with France in 1612 regarding the Spanish marriages, brought about an estrangement between Holland and France, most useful to the mischief-maker.¹¹

The trouble grew. James I of England and Baron Langerac, Ambassador at Paris from Holland, did all in their power to oppose, for political or

⁹ *Ibid.*, Bk. I, p. 101. This answer came on December 19th.

¹⁰ 1611.

¹¹ Motley's "John of Barneveld," vol. II, pp. 257-259.

private reasons, the honest efforts of the French Ambassadors in behalf of Barneveld, Grotius, and Hoogerbeets. It is said that, during this time, the British Ambassador at The Hague entered a complaint against Grotius' book "The Free Sea," urging that Holland make an example of the author in order to discourage others from putting forth works which might lead to a misunderstanding between the nations. If this story be true, the States-General evidently paid no attention to the petition, for nothing was done.

Finally, on November 19th, 1618,¹² the States-General chose twenty-four commissioners,¹³ selected from the nobility and magistrates of the seven provinces, to sit as a court of judgment at The Hague. Grotius had been removed from the room in the Prince's apartments a few days after his arrest, and had since then been confined in a two-storied building just behind the ancient hall of the old Counts in the Binnenhof. The first floor of this building was used as a courtroom, while the floor above was divided into three parts. The first room was to be the scene of the trial, while in the second and third chambers were confined, respectively, Grotius and Barneveld.¹⁴

In this room, where the Admiral of Arragon had

¹² De Burigny's "Vie de Grotius," Bk. I, p. 99.

¹³ Motley's "John of Barneveld," vol. II, p. 314. De Burigny, "Vie de Grotius," Bk. I, p. 99, says the board was composed of twenty-six commissioners.

¹⁴ Motley's "John of Barneveld," vol. II, p. 298; Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 140.

been lodged after the victory at Nieuwpoort, in 1600,¹⁵ Grotius remained, with only his faithful servant William van der Velde for company,¹⁶ for almost three months, pondering the rapid events, now an important part of the history of his country, which had led up to his arrest, and weighing the pros and cons of his case and of those of his fellow prisoners. From this chamber he wrote various letters, among which was one to Prince Maurice. This was written on the suggestion of Lieutenant Nythof, who, while informing Grotius that many charges had been brought against the Chief-Counsellor, advised him to send a defense to Prince Maurice which would show his innocence. The letter which Grotius, following this advice, wrote, is translated in full as follows: ¹⁷

"Noble-born, Serene Prince, Gracious Lord:

"In these, my troubles, which utterly disturb me and my relatives, my sole hope, next to God Almighty is your Excellency's great grace, and (if I am permitted to say this) the special good will always shown to me by your Excellency. I am most of all worried over the principal parties, which I have not created, but found. How quietly I have acted, having my appointment as Attorney General through your Excellency's favor, all the Counsellors

¹⁵ Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 140.

¹⁶ *Ibid.*, Bk. IV, p. 140.

¹⁷ This letter is given in full in Brandt's "Het Leven van Huig de Groot," Bk. IV, pp. 141-148. It is translated above from the original Dutch.

know, who can bear witness also of my sincerity of service. When the office in the service of the city of Rotterdam was offered to me I doubted for a long time whether I would accept it, as I was well contented in the service of the County (Holland). But, advised by wiser men, I have finally accepted that office. Your Excellency knows the conditions of affairs in the City of Rotterdam at that time. All the Magistrates, with the exception of one person, showed themselves to be of one mind. The Clergy was undivided, and the majority and best part of the citizens was on its side. As far as I was concerned, my real feeling was such, that, of the two factions which were disputing in the church, I could neither unconditionally agree with the one nor the other, but had an opinion of my own. It would have been folly for me to oppose such a large section of the city. I was a Servant and had to regulate myself, within the limits of honesty, to the will of my Masters, to whom I had taken oath. As their Servant, I have tried to uphold their authority. However ungrateful this task might be, I have not neglected to try all means to obtain harmony. Therefore I have attempted in all possible ways to harmonize the Clergy and to unite both parties in our city, however different. Part of my endeavors in this respect is known to your Excellency, but not all. I would not dare to bother your Excellency with the narrative of all I have done in this matter. But many persons are still alive, who can testify to this. Seeing this

would not succeed, I have, at the knowledge of your Excellency, worked to re-admit at least the private militia, which had been abolished many years before I came into office. It would hold us too long to relate with how much trouble and ingratitude this was done. But the people themselves, who have benefited by this, will bear witness for me if requested. As to public affairs, the Conference had been held, the Resolutions of the years 1611 and 1613 had been adopted and that of the year '14 was in discussion, when I took office. How I was inclined the Proposition to Amsterdam shows, which then did not at all displease Mr. Muis.¹⁸ But seeing that in our Meeting we could take no uniform Resolution toward harmony, I was, with difficulty, able to persuade the municipality of Rotterdam to follow every good proposition of the municipality of Dordrecht. Finally, seeing that those proposals also did not succeed, I was the very first (to wit, among the Cities of that opinion) to urge, in the name of Rotterdam, that the matter should be settled by Synods, and that the question of Church government should be postponed until the doctrinal question was settled. The Pensionary Pauw can testify that I, after having notified the municipality of Amsterdam, went with him to the Chief-Counsellor of Holland, and that I there explained my reasons for the holding of a Synod, although the Chief-Counsellor found many objections to them. It was then hoped, even

¹⁸ Later to be one of the judges to hear the prisoners.

by some persons of Amsterdam, that the matter could be honorably settled by a Provincial Synod, if properly arranged, of the States of Holland. But, as there became a great demand for a National Synod, and I found that many Ministers and also some Magistrates did not agree with this, fearing that matters would thus be made more complicated, instead of harmonized, I gained the advice of some learned Ministers in Holland as well as in Zeeland, to ascertain in what manner mutual satisfaction could be obtained. I heard two kinds of advice. First, to arrange for a Provincial Synod without the National, with the possibility that the latter should follow; second, to provide for a General Synod along with the National, as being less partial and possessed with more authority, whereas the matter was of such importance, that the other churches were also concerned. To the last I felt most of all inclined, as I had wished for it for a long time, and as I had understood from His Majesty of Great Britain that he also favored the same. Also, I had seen many advices from foreign Theologians similarly inclined. I have tried to direct everything toward this end, and done my best that the proposal for a National as well as a General Synod should be included in the Declaration of the Nobility and most of the Cities of Holland, for I never have thought that the convocation of a General Synod would be as difficult as some people think, especially if the States-General would make efforts for it. For I knew well that in

France, England, and Germany, many inclinations existed toward the same. My communications first with Clergyman Walaëus and then with your Excellency had the tendency to arrange for a National Synod, with the promise to encourage the General Synod, in case, by the National, matters might not be uniformly settled. The written proposal lately made by me to your Excellency, unknown to the Chief-Counsellor of Holland, through the Treasurer-General de Bye, had the same tendency, and could, in my judgment, be made to conform with the plans of the Lords of the States-General without loss of time. But what displeased me was that the Representatives of the other Provinces never consented to remove the objections of the Lords of the States of Holland, or even the majority of them, by interlocutions, but always subjected the same to vote, which I thought to violate the honor of Holland, for there were means enough to come to an understanding. All the Cities of Holland are my witnesses that I have never objected to the National Synod as such, but that I have wished that it might be uniformly adopted, and that it might lead to Christian harmony according to the word of God. This has been my purpose, against which I have never acted, but to reach it I have now and then given slight concessions, as I knew the tempers of the cities and especially of Rotterdam, which I thought ought to be treated gently rather than harshly. Of the letter to the Arch-bishop of Spalaten I have given an account

in an epistle recently sent by me to Counsellor Vosbergen with your Excellency's consent, to which I make reference here: declaring never to have had the intention to solicit a substitution for Mr. Carleton,¹⁹ but only to ascertain whether it would please His Majesty to send hither a good Theologian, able to understand the nature of the dispute, so that His Majesty, having received report thereof, might consider the remedies and more especially the convocation of a General Synod. Not without reason have I taken this step, not only after the example of many Clergymen who stand in similar communication with England, but also because His Majesty, when I was in England, personally requested me to inform him of the ecclesiastical affairs here, as I have done for a long time through Mr. Casaubon while he lived, to the knowledge of the Chief-Counsellor of the Land. This, Gracious Lord, has been my view on the ecclesiastical affairs; having wished that, during the presence of the Lords of Holland at the meeting of the States-General, some proposals might have been made in behalf of a National Synod, in some harmonious way, which I thought not to be impossible. My opinion has always been, that anything accomplished in such matters uniformly and willingly, is better than results obtained by force.

"Furthermore, I can truly state, that I have al-

¹⁹ Sir Dudley Carleton, who was appointed Ambassador from England to Holland in January, 1615. There he had entered into the political and religious disputes against Grotius and Barneveld with little qualification to do so.

ways tried to moderate the opinion of the Lords of Rotterdam as much as possible, even though they have often rebuked me for it. The Resolution of the fourth of August, as well as the Power of Attorney (which I have not helped to establish nor influenced without the express command of the Municipality of Rotterdam) have originated from the fear, which magistrates in office usually have of being degraded on account of opinions. The principal person, who promoted the acceptance of the 'Waartgelders' ²⁰ there, was a Burgomaster, now deceased, whose intention was that the City of Rotterdam then would have an occupying force required by time and circumstances, since the city was enlarged and open.²¹ The Municipality was often advised to have them paid out of the Land's ²² treasury. I have always disadvised this and have done my best that the means of the Land should not be shortened by the City; which has brought me ingratitude.

"With regard to my Utrecht journey, I was ordered to do this against my will and advice. The Lords of Utrecht have never shown me any special favor. I therefore am not in the least obligated to them. The truth is that Mr. Haan, Mr. Hoogerbeets and I (having learned from Secretary Ledenberg of the inclination to dismiss the 'Waartgelders' on condition, and how, after communication with the

²⁰ The mercenaries.

²¹ "open lagh" = without sufficient walls.

²² *i. e.*, Holland's.

Chief-Counsellor of Holland, some difficulties regarding the old and the new soldiers had arisen) saw the Chief-Counsellor of Holland, who gave us his consent to visit the Deputation from Utrecht and tell them in a friendly manner what was happening here. I understand that two of the gentlemen visited them first without me, on a later visit taking Burgomaster de Lange and me with them. The Representatives of Utrecht most of all insisted upon money, which we could not give without instructions, but it was our opinion that they should wait until the Resolution was passed in Holland, on the assurance of the Magistrates, and concerning which the Nobility and some of the Cities have been corresponding with your Excellency. I have always felt sure, that if, postponing the ecclesiastical affairs, it would have pleased the Lords of the States-General and your Excellency to reassure the Magistrates against all active measures, the disbandment of the 'Waartgelders' would have taken place with common satisfaction. The Deputation from Utrecht left The Hague without my knowledge, so I do not know with whom they may have talked. But, arriving from Rotterdam the next Tuesday in the Assembly of Holland, I found the matter of Utrecht being discussed there. With other persons I was sent to the Lords of the States-General to ask for a respite. On my initiative I added a request to hear proposals concerning the re-assurance of the Magistrates, but this was not considered and twice we were called upon to

report, which we did. Then followed my appointment as commissioner, from which I asked to be excused by the Chief-Counsellor of the Land and also by the Burgomasters of Rotterdam, but in vain. In the afternoon I complained about this before the Chief-Counsellor of the Land, and, through him, made my complaint to the Treasurer-General de Bye, also to my wife by letter. Through the Lord Chief-Counsellor's skill I have had several commissions, which were never connected with honor or profit, but have always been unpleasant, hateful, and painful. Never, however, has one of them been more reluctantly accepted by me than this one. It seems that people thereby tried to frustrate my hope of ever enjoying your Excellency's favor. Nevertheless, having letters of instruction sealed with the seal of the States and signed by their Secretary, and ordered to do so by the Burgomasters of Rotterdam, I had to be faithful to my oath, which says that we must accept and carry out all commissions entrusted to us. For my oath bound me to no one but the States of Holland and the City of Rotterdam, and, I have always regarded that which was signed by their Secretary as the will of the States of Holland. During the journey, looking over the dispatches to the heads of the army, I was astonished to notice therein the clause ordering obedience to the deputies from Holland, and, as I did not remember this to have been agreed upon, I was very much dissatisfied. Arriving at Utrecht we made our Pro-

posal in general terms, including what had passed. Not once, but several times, I declared before our Representatives, as well as those of Utrecht, that, according to my opinion, our presence there could do no good, and that it would be better if we departed. After the Proposal of the Deputies from the Lords of the States-General had been made, Secretary Ledenberg approached me and orally communicated to me the intention of the States of Utrecht, requesting me to write the same down, as he said he had no time. This I did after some excuses, with the knowledge of the other Commissioners from Holland, after which I sent it to Ledenberg, who, as he said, would communicate the same to Hamel, and afterwards report to the States of Utrecht. Then we attended the Meeting of the States of Utrecht and advised them to make some arrangement regarding the garrison of the City and to communicate the same to your Excellency. Thereafter I found to my great regret that the Assembly of the States of Utrecht was suddenly discontinued, without our knowledge. For I was always hoping that some understanding would be reached concerning the Synod as well as the re-assurance of the Magistrates. In regard to these matters I also had some friendly communications with Burgomaster van de Pol. Still we wished that this had happened with the consent of the States of Holland, in which case I offered my service, to proceed to Holland. Many members of the States of Utrecht visited us from time to time

and no one was barred by us. Your Excellency knows how long the letters entrusted to us to the heads of the army were delayed, before we, after the reinforcement of our committee and after having received further instructions, could communicate with your Excellency again. It was rumored that your Excellency wished to excuse yourself, and that the Deputies from the States-General would employ someone else to perform certain functions; and, not knowing what these functions would be, nor how they would end, we thought that the delivery of the letters (for several Lords of Utrecht insisted thereon) would postpone matters and prevent troubles, until the States of Holland should be notified thereof. In the delivery of the letters and the documents (which Mr. Hoogerbeets had possession of) I advised the military commanders, that, disregarding the full extent of the letter, we did not wish to take them under our command, but simply told them not to undertake anything against the States of Utrecht adding to it that we had nothing against your Excellency, but that we only were following our instructions.

“What I did afterward, Gracious Lord, to disband first a section and then all the ‘Waartgelders’ of Rotterdam, to your Excellency’s satisfaction, but to the dissatisfaction of many Magistrates and citizens and even to the discomfort of the City, your Excellency partly knows. I went around and urged that the City of Rotterdam should be the first to please your Excellency in this respect. My open at-

titude pleased your Excellency. Every one has since then believed that your Excellency forgetting all previous misunderstandings, would look favorably upon me. I also believed it, and I do believe it still.

“Heretofore it has been alleged as if I had made up or helped to make up ‘de Weegschael.’²³ But I am totally innocent of that work, knowing nothing of it before it was printed, and without having contributed to it in the least. It is true, however, that years ago, I caused a copy of a letter written to me by Mr. Casaubon to be handed to Taurinus, as he said that it would help him in the writing of a book concerning mutual Toleration. This letter was inserted in ‘de Weegschael’ without my knowledge. ‘De Reukappel’²⁴ and other pamphlets, following later, were also written and printed without my instigation, help, or knowledge.

“It is true, Gracious Lord, that I and many others with me, entrusted much to the knowledge of a certain person, but a person who undoubtedly has governed well for a long time and who has been greatly honored by your Excellency and others. My years do not allow me much experience. I have always acted innocently, following the majority vote of Holland. Had these been otherwise, as apparently might have happened, I would, as far as possible, have followed them obediently. Never have I received any profits from the Chief-Counsellor. Use-

²³ “De Weegschael” = “The Scales.”

²⁴ “De Reukappel” = “The Smelling Apple.”

ful commissions have fallen to others, disagreeable ones have been my share. I hope that not only the citizens of Rotterdam, but also others who have known me, will bear witness as to my honest conduct. The service of the Country has not made me richer. It would have been more profitable for me if I had followed the practice before the Court. My incomes are small and it is easy to give account of them.

“The admiration, Gracious Lord, which I feel for the far-renowned honor and reputation of your Excellency has always shown itself in my Writings, in print as well as in manuscript. I have omitted no occasion to show it, for my heart was full of it. Those who have read my Writings, or will read them in times to come, must confess that I speak sincerely in this matter. From boyhood I have tried to enter the personal service of your Excellency as you will apparently know. Therefore I was sorry that the direction of affairs in Holland did not agree with your Excellency’s views. If the Chief-Counsellor of Holland had remained with your Excellency on the same terms and in the same favor, how happy I and all my relatives should have been!

“My inclination to serve the Country is shown in my Writings, which are read in many places, and also in my deeds, which reflect honor upon the Country. It has been my misfortune that my Lords and Masters, the States of Holland (at least the majority of its members) have been in discord with others.

What else was I, but a poor Servant of the Lords, the States of Holland, and the City of Rotterdam? God grant that I may yet see that which is now in dispute within the Union, clarified, so that everyone's heart may be at rest; that the matters of Religion may become firm through the wisdom and moderation of foreigners (from whom I have high expectations); that the East India Company may be continued and united with the English; that the West India Company may be formed; that, in case there is within the Land any correspondence with the enemy, the same may be discovered and punished. This I wish with all my heart.

"Noble-born, Serene Prince, Gracious Lord, may it please your Excellency, to consider graciously all these matters and whatsoever it may please your Princely goodness to add to it. Undoubtedly many private considerations are included in this. Therefore I pray your Excellency to forget graciously whatever I, at the order of superiors, at the advice of wiser persons, in blind zeal for duty, may have done wrongly or against the interests of the Country, or your Excellency, and to free me from all shameful and detrimental proceedings. Undoubtedly your Excellency will be moved to this not only by my youth and honest conduct, acting unselfishly amidst these factions, but also by my dear Wife, a daughter of an old and well known Servant of your Excellency, and also by many honest persons, closely related to her and to me, from whom the Land and your Ex-

cellency may yet receive good services, and who, with me, will acknowledge this in gratitude throughout their lives. Concerning my person, residence, positions and offices I gladly place them at your Excellency's determination, to act in this matter as your Excellency will find most expedient for the service of the Country. I will continue to pray God for the welfare of the Country, the preservation of the Religion, and the long life, health, and prosperous reign of your Princely Excellency.

"Your Excellency's

"Very humble Servant

"HUGO DE GROOT.

"13 Sept., 1618.

"I pray your Excellency very humbly, in case you may not be completely satisfied with this letter, to grant me the favor of an interview, be it personal or through a trustworthy person, as I hope to completely satisfy your Excellency."

To this letter, Grotius received no reply, nor was a similar request sent to the States-General, asking for an interview with some of its members, any more successful.

Also, from the chamber of imprisonment where he had become weak and sickly from want of air, the lower windows being nailed up with boards while the upper ones were of stationary glass,²⁵ he had

²⁵ Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 140. Later a window frame was made to open, that the air might be freshened.

written to his wife. The first letter she received is translated thus: ²⁶

"Most Beloved:

"That I have not written to you before, was because it was better so. Next to God nothing consoles me more than to receive tidings from you frequently. I am worried about your health, especially over the pain in your side. I long to see if everything is well with the children, also with my Father and Mother, your Mother and other friends. My sleep is satisfactory, praise God. My stomach is a little better than before. God Almighty, who has helped us with His grace so far, will not forget to help and to console us. Trust in Him and pray and give my regards to all our friends. The 21st Sept., 1618.

"Yours always faithfully,

"H. DE GROOT."

And the noble woman who had not been allowed to go to him in his trouble and sickness,²⁷ and who was later to give him his freedom, answered her distressed husband with these words of comfort: ²⁸

"Most Beloved:

"I have not written to you for some time as I did not know your address. From William ²⁹ you will

²⁶ This letter is given in the original Dutch in Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 148.

²⁷ *Ibid.*, Bk. IV, p. 140.

²⁸ These two letters which follow came together. *Ibid.*, Bk. IV, pp. 149-150. They are given there in the original Dutch.

²⁹ Probably William de Groot, brother of Grotius.

have heard the state of my good health and from de Vries, since he has visited you, as I requested him twice a day to do. Never have I lost courage in your and my case. I know your character. I know the conscience which you have always shown in this and other matters. If you had tried to gain profit or honor from it, these trifles happening to us, might possibly depress me. Now I am sure that nothing will harm you. Your public spirit for the service of the Country, I think, is so well known to his Excellency, that he would not like to see any injury come to you. It has made me uneasy not to have been allowed to see you and not to have heard from you. But I understand it. I knew it would not be allowed before the examination. Now I know that to-morrow or the next day you will be heard. I am longing for this, firmly trusting that your deeds can be defended with good reasons. I also do not doubt but that better attention will be paid to your affairs. Mine could also be better attended to. All I wish is, that God may grant you health. Your good conscience gives you calmness. Do not worry about me. I am very calm and well. So are also all our friends and children. The words you spoke to me a few days before we parted, I often remember and I find consolation in the fact that those who act well, do not always fare well, but that adversity is often necessary to draw their hearts from earthly matters up to Heaven, and the thought of that gives me great comfort. I also pray you

to remember the good resolution and determination to bear troubles, which you always have found that I possess. Firmly believe that this is now undiminished. Do not worry, for lack of sleep might impair your health. I have wished to write this letter to you. I would have done so before and also expected the same from you, but I hear that letters which you and others write fall into other hands and circulate there. Therefore I gladly excuse you. Only this I request, that, by means of an open note, you will let me know from time to time how you are. Farewell and do not worry about me. Be undisturbed under all circumstances and, herewith, good-night."

With this letter came a second, which is translated as follows:

"Most Beloved:

"His Excellency travels to Leiden, Haarlem, Gouda and Rotterdam to change there also the members of the Town-Councils and the Magistrates. As soon as the redress shall have taken place there, I think it certain that your case will proceed. You must have patience for two weeks. I need not recommend calmness to you, for you know your own affairs better than I do, but, like all others who are familiar with you and your deeds, I know that we need not fear on your behalf. I have always been sure of that, and, from the beginning, even before

the matters had been cleared up by time, I have shown it in all my words and deeds. Your good conscience, and the talks we lately had together, give me full assurance. Everyone will, at the proper time, bear witness to my determination. I write about that now myself, so that you, knowing it, may be completely calm; for I know that worry about me is your only trouble. Only one thing surprises me, namely, that some persons seem inclined to say that you have intimated to one of the gentlemen, an inclination to uncover an important matter of great consequence to the Country, but that you first wish to be taken under the protection of his Excellency. I would not believe it, nor do I believe it now, for surely I know, as you have often told me, that you had no secrets, and I see no reason why you should need anyone's protection. Nobody, therefore, will believe it. Nevertheless, I wish to write this to you so that I may have firmer foundation to contradict such talk. Let me have a simple 'yes' or 'no' by this messenger. Study quietly and be careful of your health. Have still a few days patience for the Chief-Counsellor has not yet been heard. This 19th October, at eleven o'clock at night, 1618.

"MARIA VAN REIGERSBERGEN."

Soon after the appointment of the judges, Grotius' first examination took place. Brandt declares that this was conducted "without evidence from any-

one from the Province of Holland.”³⁰ The injustice of the proceedings disturbed the fair mind of Grotius, who declared, “that, since he had been born in Holland, had been a servant of the Province of Holland, and had been taken prisoner within Holland he knew no judges than of Holland.”³¹ But the proceedings went on, unchecked by any pressure the prisoners could bring to bear from within or without their prison.

Early in the morning of September 29th, Ledenberg, the Secretary of Utrecht, who had met Grotius and the others of the deputation from Holland to Utrecht on the 25th of July, and had been arrested soon after Grotius, stabbed himself in the abdomen and cut his throat, leaving with his eighteen year old son, Joost, a French paper, which the boy could not read, containing the following: “I know that there is an inclination to set an example in my person, to confront me with my best friends, to torture me, afterwards to convict me of contradictions and falsehoods as they say, and then to found an ignominious sentence upon points and trifles, for this it will be necessary to do in order to justify the arrest and imprisonment. To escape all this I am going to God by the shortest road. Against a dead man there can be pronounced no sentence of confiscation of property. Done 17th September (o. s.) 1618.”³² Lit-

³⁰ “Het Leven van Huig de Groot,” Bk. IV, p. 151.

³¹ *Ibid.*, Bk. IV, p. 151.

³² Motley's “John of Barneveld,” vol. II, p. 302.

tle had the Secretary thought that, while he was acting as a means of communication between the Assemblies of Holland and Utrecht, he was committing acts which would later be construed as high treason.

"The corpse of Gillis van Ledenberg, Secretary of the States of Utrecht (who had committed suicide from melancholy in the dungeon) was condemned by sentence to be drawn on a car of infamy to the place of execution outside The Hague and hung up with the coffin on a half gibbet." ³³ The judges were certainly in a delightful frame of mind to receive the other prisoners!

During the winter of 1618-19 Grotius spent many hours at his writing, thereby deriving pleasure and withdrawing himself to some extent from his grim surroundings. Among other Dutch poems which he produced in the spring of 1619, were some verses entitled, "A short instruction for the baptised children," consisting of one hundred and eighty-five questions and answers in rhyme, each one not longer than one line, which he sent to his wife with the following letter:

"Dearest:

"I send you the Dutch verses for our Cornelia. They resemble my imprisonment. They have become longer than I first thought. You and Grand-

³³ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 197, footnote. The sentence was not pronounced until May 15th, 1619, seven and a half months later.

father must explain them to Cornelia, as I cannot do it. Be herewith recommended to God.

"Your loving ever faithful,

"H. DE GROOT." ³⁴

But great events were soon to happen. On the 7th of March, 1619, Barneveld's trial began.³⁵ The old man, now seventy-two years of age, bent with the cares of the Republic, had been confined for six months, during which he had constructed from his own brain the defense with which he was to meet the judges, judges who had access to papers, documents and libraries. The trial was a violation of the laws of Holland which required that accusation should follow within six weeks of arrest or the prisoner should be freed.³⁶ No charge had been brought against him in the six months of elapsed time, yet the trial went on. For the seventeenth of April, the States-General proclaimed a public fast and humiliation,³⁷ and on a Sunday afternoon, the 12th of May, 1619, the prosecuting officers of the government, Sylla and van Leeuwen, accompanied by provost-marshal de Nijs, entered his chamber to inform him that he was to appear before the judges the next morning to hear his *sentence of death*.³⁸ During the night he was unable to sleep, and he

³⁴ Brandt's "Het Leven van Huig de Groot," Bk. IV, p. 192.

³⁵ Motley's "John of Barneveld," vol. II, p. 311.

³⁶ Motley's "John of Barneveld," vol. II, p. 313, quoting Charter of Holland of the year 1346.

³⁷ *Ibid.*, vol. II, p. 351.

³⁸ *Ibid.*, vol. II, pp. 360, 361, 362.

asked the clergyman Hugo Bayerus, who had been summoned, "whether his Grotius was to die and Hoogerbeets also." When the minister replied that he knew nothing, the aged advocate continued, "I should most deeply grieve that these men must go. They may yet live to do the land great service. That great rising light, de Groot, is still young, but a very learned and wise gentleman, devoted to his Fatherland with all zeal, heart, and soul, and ready to protect her privileges, laws, and rights. I know well that these gentlemen have not done other than their commissions which they have received from their Lords and Masters, the Magistrates of Leiden and Rotterdam. As for myself, I am old and exhausted, and can do no more. I have already done more than I was really able to do. I have worked so zealously in public matters that I have neglected my private business. I had expressly ordered my house at Loosduinen to be got ready, that I might establish myself there and put my affairs in order. I have repeatedly asked the States of Holland for my discharge, but could never obtain it. It seems that the Almighty had otherwise disposed of me." ³⁹

Boissise had left the country, but the French Ambassador, du Maurier, had heard early on the morning of Monday the 13th, that sentence of death was to be passed that day. He immediately hurried to

³⁹ Brandt's "Het Leven van Huig de Groot," Bk. V, pp. 195, 196; "Het Leven van Oldenbarneveldt," pp. 567, 415; De Burigny's "Vie de Grotius," Bk. I, pp. 102, 103; Motley's "John of Barneveld," vol. II, pp. 373, 374.

the Assembly of the States-General to get execution suspended, but he was refused an audience, and a letter of earnest appeal had no more effect.⁴⁰

In front of the ancient hall, within the Binnenhof and opposite the Prince's apartments, the scaffold was erected. The court to-day is never crowded except on state occasions, but on that May morning of 1619 more than three thousand persons filled its confines. The last words of the great statesman fell upon this multitude—"Burghers, I have been throughout my life your compatriot, believe not that I die for treason, but for the maintenance of the liberty and the laws of the Country."⁴¹ The executioner then struck off his head.

The white swans still swim on the beautiful miniature lake beside the Binnenhof, unmindful of the tragedy enacted there nearly three hundred years ago, but the memory of the event has not grown dim. If ever a crime was committed by a state, it was the execution of John of Barneveld on that bright May morning, after he had given his whole life to the faithful service of his country.

On the day of the execution, the following proclamation of the States appeared:

"The XIII May, 1619.

"Here in The Hague on a scaffold, erected for that purpose in the inner court before the steps of the

⁴⁰ De Burigny's "Vie de Grotius," Bk. I, p. 102.

⁴¹ *Ibid.*, Bk. I, p. 103.

great room, was executed with the sword John of Barneveld, in his life, Knight, Lord of Berkel, Rodenrys, etc., Chief-Counsellor of the Land of Holland and West Friesland for the reasons expressed in the sentence and others, with confiscation of goods, after he had served the same State for thirty-three years, two months and five days, being commissioned thereto March 8th, 1586. A man of great deeds, industry, memory and administrative ability, yea singular in all.

"He who stands, see to it that he does not fall. And may the Lord be gracious to his soul. AMEN." ⁴²

Grotius himself tells ⁴³ us that, on the morning of the 13th of May, while still in bed, he heard the sentence pronounced against the Chief-Counsellor, and though he understood that it meant condemnation to death, still he could not think that it would be carried out. But the great dejection of Captain van der Meulen, who at that hour came to his room, made him fearful of consequences.

The boy whom Barneveld had taken to France with him must have made a deep impression on the Advocate's heart, for, a few hours before his death, he instructed the clergymen Bayerus and La Motte, "Say good-bye to the good Grotius for me and tell him I must die." ⁴⁴

⁴² Brandt's "Het Leven van Huig de Groot," Bk. V, p. 195, from the resolutions of the States of Holland, May 13th, 1619.

⁴³ In some memoirs, Brandt, *ibid.*, Bk. V, p. 195.

⁴⁴ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 196.

Meanwhile, Grotius lingered in anxiety, hearing also the sentence passed against the dead body of Ledenberg.⁴⁵ At this time, his wife sent him a short, open note, exhorting him "not to be troubled with such things, but to trust in God and his conscience." A little later he received from van der Meulen, a pen, ink, and a little paper, with the message that his wife desired an answer to her letter; whereupon he hastily wrote a few lines, "that he had resolved himself with God's help to all things, that for eight months he had longed to see her, and he should be overjoyed when it should happen."⁴⁶

The scaffold on which Barneveld was executed was allowed to stand for six days after his death, and the three executioners were kept in the Hague, for the express purpose, in the opinion of many, of moving the prisoners' wives and friends to ask for pardon. "In particular men of authority tried to counsel the wife of Grotius to do this, and chose various friends for this purpose, among others Mr. Vosbergen, who accosted her with all kinds of pleasing advices, and assured her of the favor of his Excellency in this case. But she, being of a quiet nature, threw this advice aside, with these words, 'I shall not do it; and if he has deserved it, let them behead him.' Yet she did not sit still, but went herself, on the 16th of this month to speak with his Ex-

⁴⁵ This occurred two days after the execution of Barneveld, *ibid.*, Bk. V, p. 196. Ledenberg's scheme to preserve his property for his children was thwarted by this judgment, for he was sentenced to be hanged and his property confiscated.

⁴⁶ *Ibid.*, Bk. V, p. 196.

cellency. However, he gave her no hope, answering, 'that one must take the way of pardon or of law.' " ⁴⁷

Yet, as events will show, no woman could have been more devoted to her husband than Maria van Reigersbergen was to Grotius. She was a woman cast in Spartan mold.

Early on the morning of Saturday the 18th of May, 1619,⁴⁸ Fiscal Sylla entered the chamber of Grotius. Standing before the prisoner he informed him, "that he was sorry, because of the old acquaintance, that he had to bring him such news, but he would have to come before the judges, and there hear what should be read to him: that he had no order to say what his sentence contained," adding, "I suppose you have well understood that of the Chief-Counsellor." To which Grotius answered, "I have heard the sentence pronounced upon the Advocate, as well as upon Ledenberg, and have patience to bear whatever may befall me." ⁴⁹

About ten o'clock he was led before the judges by Provost Nijs, where his sentence was read to him by the Master of Rolls, Pots. It is unnecessary here to give the judgment in full. It occupies nine

⁴⁷ *Ibid.*, Bk. V, p. 196.

⁴⁸ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 197; Motley, p. 398 of "John of Barneveld," vol. II, falls into the same mistake that Brandt, Bk. V, p. 197, made, when he says, "the 18th May, 1619, on the fifty-first anniversary, as Grotius remarked, of the condemnation of Egmont and Hoorn by the Blood Tribunal of Alva." Egmont and Hoorn were sentenced on the 2nd of June, 1568, and executed three days later, June 5th. Johnson's "Europe of the Sixteenth Century, 1494-1598," p. 335.

⁴⁹ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 197.

very large, closely printed pages,⁵⁰ and condemned Grotius and Hoogerbeets to *perpetual imprisonment*, declaring their estates forfeited.

It has been said that the defense of Grotius was a betrayal of Barneveld. I can find no foundation for this statement, but if he shows more selfishness than Barneveld in his defense, it is well to remember that the accusations against the Advocate must have been much distorted before they reached Grotius, and also that Barneveld was an old man whose life had run, while Grotius' greatest work remained to be done. The fact that he had refused to publish his "De Jure Praedae" as unworthy, shows perhaps that he was then thinking of and forming in his mind the great masterpiece of International Law still to be written.

To say that the judgment against Grotius had no legal value would be much too mild. There had been no indictment, no witnesses, no counsel, no argument. After the first examination, paper and ink were taken from him, and when he asked permission to write his defense, he was allowed five hours and one sheet of paper.⁵¹ The arrest itself was illegal. Grotius, an officer of the States of Holland had been arrested on his way to a meeting of the States of Holland, in the discharge of his official duty. He was within the house of the States of Holland. In no way did he come under the jurisdiction of the

⁵⁰ *Ibid.*, Bk. V, pp. 197-206.

⁵¹ De Burigny's "Vie de Grotius," Bk. I, p. 107; authority, Apologium, c. 13.

States-General, yet eight persons, calling themselves the States-General, had ordered the arrest. Born in Holland, a Servant of the State of Holland, arrested in Holland, he was entitled to a trial by Holland judges, not by men of all the Provinces, many of them ignorant of the law.

When the dreadful sentence of life imprisonment with confiscation of goods was imposed upon him, Grotius, although his fame as a genius had spread throughout Europe, was only thirty-six years of age. At this time, as throughout his life, he was in appearance singularly handsome. His features were finely chiseled, his nose slightly aquiline, his eyes blue and sparkling, his hair brown. His person was tall and well formed. Active both in mind and in body, his career seemed to be prematurely and suddenly ended. The judges, while omitting to state that he was to be tried for high treason, found him guilty of all the things that constituted the crime, and then, discovering their mistake a year later, declared, without a retrial, that they had intended to try him for high treason also.

CHAPTER VI

IMPRISONMENT AND ESCAPE

Grotius is transported to Loevestein—His literary work there—His escape.

ON the 5th of June (1619), Grotius rendered into Dutch verse an enlargement of the Lord's Prayer. On the evening of the same day he received information that he was to be transported to Loevestein that very night.¹

The journey began between eleven and twelve o'clock. His faithful and loving wife, ready to share her husband's misfortunes as she had shared his prosperity, asked permission to accompany her husband, but was refused. Also his brother, who sought to accompany him in place of his servant, was denied the privilege; and he set out for the prison alone.

The midnight procession proceeded, with de Groot and Hoogerbeets "seated on separate wagons," under the escort of Captain van der Meulen and many soldiers of the guard, to Delfshaven.

¹ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 210.

NOTE—This date, June 5th, 1619, was undoubtedly that which Brandt and Motley had in mind when they spoke of the fifty-first anniversary of the condemnation of Egmont and Hoorn. As before noted, they were executed June 5th, 1568.

Arriving at this town, and the tide not yet being suitable, it was thought advisable to rest there, the prisoners meanwhile being placed aboard the ship which was to convey them to their prison. There they sat together, the soldiers round about them.

Setting sail, the party proceeded slowly under the early morning breeze to Dordrecht, where Captain van der Meulen went ashore; and, upon his return to the boat, they set out for Gorcum, only a short way from the fortress of Loevestein. The people of the towns along the route were evidently interested in the men who had played such prominent parts in the country's history, for, "at Papendrecht, the prisoners had many curious spectators, but at Gorcum and from there to Loevestein many more."² Thus Grotius and Hoogerbeets came, on the evening of the 6th of June, to the grim structure decreed to be their only home as long as they should live.

Situated on the narrow point of land "where Meuse and Waal meet" to flow on together to the sea, this fortress must truly have been a tower of strength in the days of its youth. Surrounded by water on three sides, and strong walls on the fourth, the castle is further protected by inner walls and a double moat.

I first saw Loevestein late in the afternoon of a windy, cloudy day. The tall trees which line the inside of the fortress walls all bent as one under the force of the wind; only Loevestein stood impassive,

² *Ibid.*, Bk. V, p. 210.

defying man and nature as it has for over a thousand years. The clouds raced across the skies, giving to the whole place a sad and desolate aspect.

Outside the walls, which are of brick and mortar with earthen embankments, runs the outer moat, a wide, deep ditch; and by means of a bridge, which was originally a draw-bridge, one enters the fortress through an arched tower.

Inside the outer walls, two rows of low buildings extend themselves; those on the left now unoccupied except by the sergeant-major and his family, and the woman who exhibits the castle and guards it from artists' sketch books; those on the right plainly barracks, long unused and unoccupied. Curving to the right the broad street between these buildings leads over another bridge to the entrance gate of the castle, said to have been built by the Normans about A. D. 836, when this adventurous band passed through the Low Countries and up the Rhine, burning towns and building castles, better to enable them to exact the tribute they demanded from the inhabitants of these districts. The style of architecture goes far to support this theory of the building of Loevestein.³

After the Normans had passed on into another history, the castle came into the hands of Gerard van Hoorn, one of the Lords of Altona, who called the fortress Loevestein after his wife, Johanna van Leuven or Louvain. However, some authors contend

³ See "Loevestein," by P. J. Verlee.

that the name came from "loeven," that is, to luff, since vessels had to luff there to pay toll, while others declare the name originally to have been "Leeuwenstein" or Lionstone, since this name was chiseled in the huge tombstone which formerly laid in the middle of the front court, and on which the persons condemned to death were executed.

Across the inner moat and through the massive gate tower, one passes into the inner court, where he becomes distinctly aware of the firing slits of the castle which center upon him. The walls here are two yards in thickness, and two secret stairways, within the walls, are still preserved. On the right and left of the gate, two towers with octagonal spires rise, respectively called the "Waaltoren" and the "Maastoren."

Up a few steps and through a doorway, one finds himself in a huge hall, used in the different centuries for feasts, festivals, and the more serious pronouncement of sentences. On up a stone staircase we reach the second floor and the rooms, already prepared for him, to which Grotius was led on the evening of June 6th, 1619.⁴

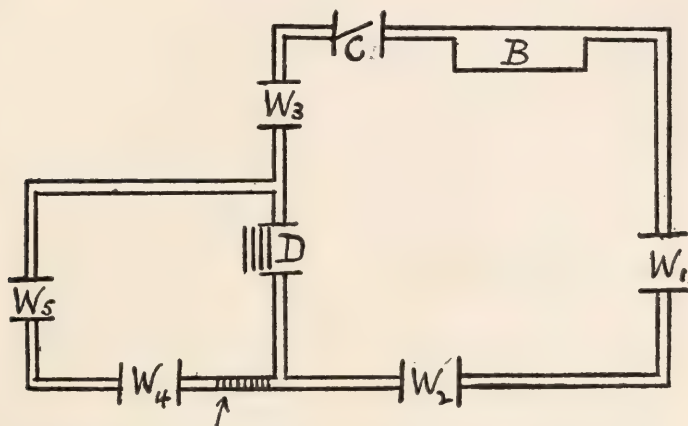
The States-General now permitted the wives of the two prisoners to follow their husbands, and accordingly, Madame de Groot and her children⁵ came to Loevestein, where the family was allowed

⁴ Apologium, c. 18.

⁵ Cornelis, born Feb. 2nd, 1613, at The Hague; Diederik, born Oct. 10th, 1618, at Rotterdam; and their daughter, Cornelia, were with their parents. Perhaps Pieter, born March 28th, 1615, was also there.

two rooms, which faced west and north, overlooking the Waal.

The plan of the quarters of the de Groot family, roughly drawn, was this:



Arrow indicates concealed stairway in wall.

B—Fire place.

C—Door.

D—Steps leading down from larger room to smaller.

W—Windows.

From the center of the larger room, one can see, through window W^1 , to Gorcum, almost due west. The Waal can be seen from window W^2 , which faces the north.

Two days after the arrival of Grotius at Loevestein, the States-General passed the following resolution⁶ instructing the commander of the fortress upon the care and treatment of the prisoners:

“The fore-mentioned Commander shall take care that both the prisoners shall not have communication with each other, but that they remain in their respective rooms, as it is ordered.

⁶ From the resolutions of the States-General of June 8th, 1619. Brandt's "Het Leven van Huig de Groot, Bk. V, p. 211.

"The wives may cook in the kitchen which shall be shown to them by the Commander.

"The maid is permitted to take the food upstairs and remove the dishes, on condition that she shall be let in and out by the Commander.

"The wives may travel to Worcum or Gorcum, in order to buy all necessities for housekeeping, and returning, the Commander shall allow them to go again to their husbands, provided the doors are locked after them.

"No other person shall be allowed near these prisoners as is commanded.

"To each of the fore-named prisoners is allowed to their wives for these things twenty-four stuivers a day [forty-eight cents American money].

"This is done in the Assembly of the high-mentioned Lords, the States-General, in the Hague, on the 8th of June, 1619.

"By order of the States-General,

"C. AERSSENS."

However, the promised liberty which Madame de Groot had hoped to enjoy was destined to be short-lived, for on the 22nd of the same month the States-General sent a letter to the Commander of the prison, wherein they forbade the wives of the prisoners the right freely to come and go saying, "that they might remain shut up with their husbands as long as they wished, but could not leave them without express consent."⁷

⁷ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 212.

From the outset the Commander of Loevestein, Lieutenant Jacob Prounink, called Deventer,⁸ seems to have made a special effort to be as disagreeable to the prisoners as possible. The reason for this attitude of Deventer is quite evident. Had he not sworn revenge against those who had caused the downfall of his father in his support of the Earl of Leicester? Was not Grotius a member now of the party which had brought this about? Yet the attempt of the Commander to make the family live upon their daily allowance of forty-eight cents was unsuccessful, Madame de Groot declaring that she had enough money of her own to support her husband.

The body of Grotius was now immured within stone and iron, but his mind knew no such limitations. This could not be so confined. Here in prison, where his own father was denied permission to see him, he continued his development. Realizing that the mind cannot reach its highest efficiency without bodily health, he daily whipped a huge top for exercise, "a custom which he later often preserved."⁹ An old print of the study of Grotius at Loevestein shows this top and whip lying in the middle of the floor.

The intellectual activity of Grotius went steadily on. Imprisonment indeed brought to him a tran-

From a letter of the States-General to the Commander, the 22nd of June, 1619.

⁸ *Ibid.*, Bk. V, p. 212.

⁹ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 235.

quillity which he had not known for many years, and study and writing became both pastime and consolation. From his pen at Loevestein came a Latin essay, begun in The Hague, on the means of ending the disputes then raging, arguing for mutual toleration on unessential points. He also devoted much time to the study of law and moral philosophy, and to the translation of Greek and Latin tragic authors in the original metre. On the 15th of December, 1619, he wrote to Vossius that the Muses were the gratification and consolation of his life,¹⁰ but he soon fell ill and was forced to discontinue his work for a time. It was not long however, before he resumed his labors, working now on that great masterpiece, "The Truth of the Christian Religion," which was first written in Dutch but was later rewritten in Latin. Many years have passed since Grotius, from the ancient fortress of Loevestein, gave to the world this message. But the world has not forgotten it, for this work has been translated into English, French, German, Swedish, Danish, Flemish, Greek, Chinese, Malay, Persian, and Arabic.

In the field of law, Grotius produced the "Introduction to the Jurisprudence of Holland," a book which immediately became an authority; while in the realm of philosophy and poetry, he enriched an edition of Seneca's tragedies by Vossius with valuable notes, translated the "Phoenissae" of Euripides, composed a catechism for his son and daugh-

¹⁰ De Burigny's "Vie de Grotius," Bk. I, p. 119.

ter, respectively in Latin and Dutch verses, and wrote a dialogue between a father and son on the necessity of silence.¹¹ In this way two summers and two winters passed by. The genius of Grotius had laughed at iron bars, and had thwarted the evil intentions of States and judges, who had been guilty of a far greater crime than he had ever committed when they sent this "miracle of Holland" to perpetual imprisonment in Loevestein.

Meanwhile, the wife of Hoogerbeets, declining under the closeness of her imprisonment, had died in Loevestein after a sickness of twenty weeks. Her death occurred on the 19th of October, 1620, and imposed the care of six children upon her husband.¹² Grotius' wife asked permission to attend the dying woman, but this was refused her, as was also the care of the children after their mother's death.

In the beginning of the year 1621, Francis Aerssens, Lord of Sommelsdyk, and Gideon van Boetse-laer, Lord of Langerak, were appointed as special Ambassadors to Paris. The appointment of Aerssens, a bitter enemy of Grotius and Barneveld, caused Grotius much apprehension, lest Aerssens might take advantage of the opportunity to injure the former's reputation in France. In consequence we find Grotius writing to the French Ambassador, du Maurier, and to his brother-in-law Nicholas Reigersberg, in an effort to counteract the influence

¹¹ De Burigny's "Vie de Grotius," Bk. I, pp. 119-122.

¹² Brandt's "Het Leven van Huig de Groot," Bk. V, p. 231.

of Aerssens by defensive arguments.¹³ Nor was this the only incident that disturbed the monotony of prison life. On the 11th of January, 1621, at a meeting of the States-General, Hugo Muis van Holy, who had been one of Grotius' judges, intimated that the prisoner had attempted to escape by means of some rope which Madame de Groot was declared to have bought and brought to Loevestein. A search of the castle, however, established nothing but the malice of the judge whose accusation caused Grotius to write a remonstrance, which was presented in the name of his friends to the States-General on the sixth of March, condemning these false reports as malicious lies.¹⁴

In the town of Gorcum, approximately a mile and three quarters down the Waal from Loevestein, there lived at this time a merchant, Adrian Daatselaer, who had married the sister of Thomas Erpenius, a specialist in Oriental languages. When Grotius was permitted to use the books of his friends, the house of Daatselaer had always been used as the place to and from which they were sent to the fortress, for Erpenius had, with Vossius and Scriverius and other friends, placed his library at Grotius' disposal. Here in the house of the ribbon and thread merchant, Daatselaer, who exported goods to Eng-

¹³ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 239. These letters were written by Grotius, January 15th, 1621. Du Maurier had lost his wife on the 12th of November of the past year, in her 35th year. *Ibid.*, Bk. V, p. 241.

¹⁴ *Ibid.*, Bk. V, pp. 240-241.

land, the wives of Grotius and Hoogerbeets on their visits to Gorcum, which they were now allowed to make twice a week,¹⁵ formed with Madame Daatse-laer an intimate friendship.

The books which thus passed through Gorcum were sent in a large chest or trunk which Madame de Groot was accustomed to accompany to and from Loevestein. Little did the States opine that this chest was soon to bear an even more precious burden to freedom. For a long while Grotius had sought a means of escape from the fortress, but the double moat, and the many guards, doors and walls, were enough to discourage every effort. The element of time was important. If, as seemed to be probable, the war with Spain should be renewed, the guard of the castle would be increased, and access to Brabant, the only refuge for Grotius, would be cut off. Action would have to be taken soon if it was to be successful.

The chest had at first been regularly opened by the Commander as it went in and out of Loevestein. Later, however, the Lieutenant's vigilance relaxed, and he became accustomed to allow the chest to pass unexamined. The wife of Grotius saw in this laxity the opportunity of escape for her husband. He was to be locked in the chest in place of the books and to be carried to freedom by the very men whose duty it was to detain him.

The scheme was carefully contrived. Every de-

¹⁵ Brandt's "Het Leven van Huig de Groot," Bk. V, p. 217.

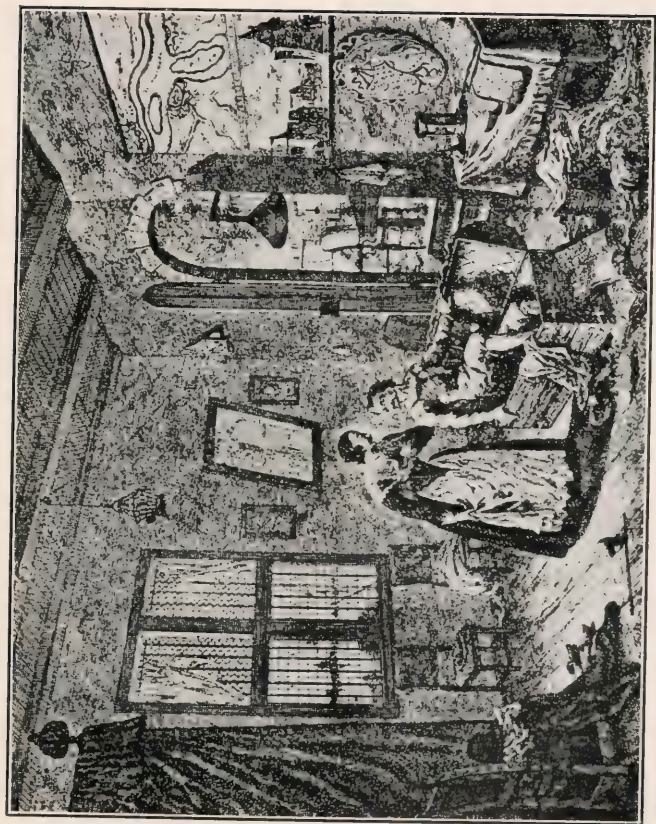
tail must be thoughtfully arranged, nothing could be overlooked, for the smallest mishap would mean disaster. "The chest was two thumbbreadths shorter than four feet,"¹⁶ and Grotius was a man of more than middle height, but it was found that, by doubling up, he could get within it. In order to see whether he could breathe so enclosed, and how long it would be possible for him to remain there in case of a head wind or calm on the journey to Gorcum, he would enter the chest and remain there while "an hour-glass ran out twice." Also the faithful wife would sit upon the chest while he was within, in order to ascertain whether he would still be able to get air if someone on the journey used his coffinlike receptacle as a seat.

So Grotius and his wife pre-produced, as far as possible, the conditions under which he would have to exist in his attempt to regain his freedom. Noticing that he stirred at times within the chest, Madame de Groot would warn her husband, and again he would try to remain perfectly still for hours.

Moreover the good people in Gorcum had to be prepared for the reception of their unexpected guest. Accordingly, about two weeks before the escape took place, Madame de Groot came to the house of Daatselaer in Gorcum, and there began to prepare Madame Daatselaer for the sudden appearance of Grotius, which she prayed would take place.¹⁷

¹⁶ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 243.

¹⁷ Brandt's "Het Leven van Huig de Groot," Bk. VI, pp. 243-255. The conversation which follows, as well as the facts, are



Grotius preparing for his escape from Loevestein.

"Madame Daatselaer," said the woman whose one thought was to free her husband, "if you received my husband here one day, would you not be very perplexed with him?"

The wife of the merchant answered, laughing: "No, only let him come."

Arriving again in Gorcum, this time on Saturday the 20th of March, 1621, two days before the escape, Madame de Groot, upon hearing the bells ringing in the afternoon, asked Madame Daatselaer what it signified. Whereupon the latter answered: "To-morrow will be our yearly fair."

"May not all exiles come to Gorcum then?" laughingly asked the visitor.

"Yes, I believe so," returned her hostess.

"But if I should bring my husband, would you fail to take him in?" Madame de Groot proceeded.

"We may take that for granted," replied her friend.

With these words Madame de Groot tapped on Madame Daatselaer's shoulders and said with a smile as she left: "What a good woman you are: but you know well that he is so closely guarded that, if he were a bird, he would not be able to fly away."

translated by the author from the original Dutch of Brandt. He, in turn, has got the conversation from many notes and letters to which he, when he wrote, was able to obtain access, since it was then only 50 years after the death of Grotius.

It is difficult to doubt the veracity of the great Dutch historian, for the letters I have run down are truly quoted by Brandt.

Also, I have seen letters from Pieter de Groot and Hugo de Groot to Brandt, offering him the documents in their possession relative, respectively, to their illustrious father and grandfather.

Now for a propitious opportunity and all would be risked for the goal of freedom. Early next morning, which was Sunday the 21st of March, little Cornelia de Groot, only nine years of age, and knowing nothing of the scheme, exclaimed: "Mother, mother, tomorrow father must go, whatever the weather may be" ¹⁸—words which were received by the father with astonishment, as an admonition from Heaven.

As though Destiny had now taken the prisoner under her special protection, the plans developed. Lieutenant Deventer had just been promoted to a captaincy by Prince Maurice, and it was necessary for him to go to Heusden the following day to receive his company. That very Sunday evening he left the fortress.

Madame de Groot lost no time in seeking the wife of the Commander, to whom she had made various gifts and had sent only a few days before a present of venison and other dainties.

"I should like very much to send away a trunk of Arminian books: my husband exhausts himself so with study, that I can bear it no longer," said Madame de Groot, and the wife of Deventer, more friendly than her soldier husband, readily assented.

The plan of escape was now unfolded to the maid-servant of the de Groots, Elsje van Houwening, a girl of twenty,¹⁹ trustworthy and courageous. Upon

¹⁸ From the narrative of H. de Groot annotated by Ed. Poppius, I, 44.

¹⁹ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 244.

being asked whether she would go with the chest and its human contents to deliver it in Gorcum, she said: "Yes," and then asked: "Could they do me any harm, if I did this?"

And Grotius answered: "Not according to law, but I am also innocent, and you see how they have dealt with me."

Whereupon the brave girl replied: "Nevertheless I shall risk it, come thereof what will."

Dawn of Monday, the 22nd of March, found Grotius upon his knees where he prayed for an hour that God might bless his attempt. Between eight and nine o'clock he entered the chest which was to carry him to freedom or disaster, clothed only in linen underclothes and silk stockings, lying so tightly wedged that not even a pair of shoes could be inserted between him and the side of the chest.²⁰ The New Testament, which he had borrowed from Erpenius, with some "spun thread," served for a pillow, while under his knees lay some other books to make him more comfortable. To protect his head against movement and blows, it was made as stationary as possible.

After Madame de Groot had said farewell to her husband, she locked the chest, kissing the fastening after she had turned the key.²¹ Then she gave the faithful maid the key, entered the bed and drew the curtains to. Grotius' outer garments laid upon a

²⁰ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 245.

²¹ *Ibid.*, Bk. VI, p. 246.

chair, his slippers before the bed as though he still were in his slumbers. Everything was now ready for the final act, and Madame de Groot pulled the bell which rang outside the room.

The servant who was accustomed to lock and unlock the rooms of the prisoners, answered the call and asked Madame de Groot what she wished. The latter answered: "I had intended to go to Gorcum myself, yet on account of the turbulent weather, and because I do not feel well, I shall not make the journey, but will send my maid who shall take the chest. Call a soldier, who will help you carry it down."

Forthwith several soldiers came up, and, seeing the clothes of the prisoner hanging by the bed, suspected nothing.

When they lifted the chest, however, one remarked to the others: "How is it that this chest is so heavy, the Arminian might well be in it." And Madame de Groot responded from within the bed: "They are Arminian books."²²

Having examined the chest well to see whether any holes had been bored in it to give air, and finding none, for there was no means of ventilation but the lock, the soldiers began to remove the trunk with its precious burden.

Half carrying, half dragging, with great labor they finally succeeded in getting the chest down the stairs and through the thirteen doors, securely

²² Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 245.

bolted.²³ Four times, one or another soldier declared that Grotius himself must be hidden within the box, and the wife of one of the soldiers, hearing these remarks, suggested that she knew of a swindler²⁴ having, some years before, been carried out of the town in a chest, "and why not the Arminian now?"

One of the soldiers even declared: "I will get a drill and bore a hole in him so that the excrement runs out." But the quick-witted maid, Elsje, answered him, saying: "Then you must have a drill to reach from here to his room."

But the talk of the soldiers was not serious. Had Grotius not been abed with his clothes upon a chair? And was not the chest free from holes which would be necessary in order to make the trunk livable?

Having grumbled their way out of the fortress, they asked the Commander's wife whether they should open the chest to examine the contents. She inquired what the practice of her husband had been, and, upon being told that he had discontinued the opening of the chest as it came in and out, said: "Madame de Groot has told me that Arminian books are in it; carry it to the vessel."

But the faithful Elsje was not yet free from trouble. The captain, John Wouterszoon, had placed a rather thin plank from shore to ship, on which to slide the trunk aboard, but the vigilant

²³ *Ibid.*, Bk. VI, p. 245.

²⁴ "Bergverkoopster" is literally "one who sells mountains."

maid was most apprehensive lest it should break under the weight, and all the costly books be ruined. She therefore demanded that a stronger plank be placed on the other, and when this was done the chest was put aboard without mishap, and the journey to Gorcum begun.

It had previously been arranged between Madame de Groot and the maid, that, if all went well, the latter was to wave her handkerchief over her head, while if the contrary were true she would sit with her head in her hands.

After the soldiers had left the rooms which had been Grotius' only home for nearly two years, his wife fell upon her knees and fervently prayed for the safety of her husband. Rising she turned to the western window looking down the Waal and saw the handkerchief of Elsje fluttering in the wind above her head. Thus far her husband was safe, and she uttered these brave words to herself: "Go on, my husband, and may I never see you again unless in freedom."

In the meantime, one of the crew who had noticed Elsje displaying the handkerchief, asked her what it signified, and she answered that "the servant had teased her that she would not dare to travel in such weather and she was now showing him that he was wrong."²⁵ Whereupon she again flung the handkerchief above her head.

The stiff breeze had caused the boat to heel con-

²⁵ From the narrative of Elsje van Houwening.

siderably, whereupon the maid said to the captain: "Lash the chest fast, else it may slide overboard, and then the books would not only be ruined but lost." But when this was done she was not yet to have rest, for an officer of the garrison, who was aboard, thinking the chest a comfortable seat, sat down upon it and began to drum upon it with his heels. At this, the watchful Elsje, realizing how this must annoy her master, locked within a chest bobbing on a rough sea, and seeing that it made the cover fit tighter, thus cutting off some of the already scant supply of air penetrating to him, politely asked him if he would not sit elsewhere, or at least stop pounding the chest with his feet since the box also contained porcelain which might easily be broken.

So the boat approached Gorcum. The suspense and anxiety of Grotius must truly have been terrible. A cough, a sneeze, a movement of his cramped body, would have meant detection, yet, under this terrific strain, the great mind of the man ruled supreme over his body, and nothing had gone amiss when the boat docked at the end of its trip of almost two miles.

There the skipper was set upon landing some other goods first, but Elsje insisted that the chest be put ashore, arguing that the poultry-boat might leave for Delft and she be left with the chest.

At length he consented to follow her wishes, but decided that he wanted to carry the trunk on a wheel-barrow. To this the maid of course objected, saying: "Get an aleporter's yoke and carry it be-

tween you. There are costly things within it which may break. I would rather give ten stuivers to have it carried than two to have it dragged or conveyed on a wheel-barrow."

So skipper and son started off with the chest upon a hand-barrow, but they had not proceeded far when the son remarked: "Father something living is in the chest."

"Do you hear what my son says?" said the father turning to Elsje, who had pretended not to notice the remark of the son. "He says something alive is in the trunk."

But Elsje was ready for them and returned: "Yes, books have both life and spirit." So they arrived at the house of Daatselaer, going in through the rear door, since they could not penetrate the crowd which had gathered before the front door on this day of the fair without arousing curiosity and excitement.

Having paid the captain his ten stuivers, Elsje hastened to the front of the shop. There she found the merchant and his wife busy with strangers and goods, but, going up to Madame Daatselaer, she whispered softly: "I have my Master in the rear in a chest, you must see how you can get him away."

The strain was beginning to tell on Elsje, and now, so near success, she had nearly ruined all, for Madame Daatselaer turned "as white as a sheet."²⁶

²⁶ "Zoo wit als een doek"—Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 247.

Together, the merchant's wife and Elsje went to the rear of the shop where the chest had been left.

"Master," cried the maid, before she opened the box, but there was no answer. Then louder: "Oh, my Master is dead."

"Your Mistress has not done wisely; before she had a living husband, now she has a dead one," remarked Madame Daatselaer.

But Grotius, who had heard the conversation, knocked on the cover, saying: "No, I am not dead. I did not recognize the voice."²⁷

Immediately the chest was opened and Grotius arose from the place where he had lain for almost two hours, as a dead man from his grave. Through a "stairway-door" to a room above, Madame Daatselaer ushered the statesman, and the faithful maid followed with her. Seeing his hostess so ghastly pale and livid, Grotius asked her "if she always had such an appearance and color?"

"No, but I am frightened to see you here. My lord is no common person. The whole world talks of him. I fear this will cost me all my property, and perhaps my husband will be taken and put in your place," answered Madame Daatselaer.

Grotius replied: "I have prayed to God, before this much was accomplished, and now I have fervently thanked God for my deliverance thus far. But if it should result as you fear, I am ready at once

²⁷ From the narrative of Madame Daatselaer.

to go back into the chest and be carried back to prison."

But the true friend answered: "No, we have you here now, and, let come what may, we will help you get away," and, seeing that he was faint and weak, gave him a glass of Spanish wine. As for clothes, she seemed, in her confusion, to have no thought, but left Grotius sitting without cloak or covering in his linen underclothing.

Madame Daatselaer now went to the front of the house to summon her husband, but he wisely declined to come, foreseeing that it would be better for all concerned, if, when he was examined on the escape, he could truthfully say he had seen nothing of it; an answer of which Grotius thoroughly approved.

The plan of escape now fell upon Madame Daatselaer, but Grotius assured her by saying: "I place myself into your hands, but there is no need to hasten, for I have arranged it with my wife that I shall not be missed until to-morrow or the next day."

Thinking that immediate action was best, however, the merchant's wife went to the house of her brother-in-law Kornelis van der Veen, a clothier by trade and a Baptist, whom she found in his shop selling some goods to an officer of Loevestein. She whispered to him; and the clothier, forgetting his trade, hurried off to Daatselaer's house leaving the officer waiting.

When they arrived there, they found Grotius sit-

ting as they had left him. Van der Veen gave him his hand saying: "Sir, you are welcome. Are you the man of whom the whole country talks?"

And Grotius answered: "Yes, here I am. I place myself in your hands."

"You must not remain here long. We must help you away," replied the clothier, and he hastened away to find Jan Lambertszoon, a mason by trade and a Lutheran, whom he knew he could trust. He found him on a scaffold where he was working at his trade on the front of a house, and, calling him down, told him there was something to be done which none must know of, that he could do it with a clear conscience and not without reward.

The mason showing himself ready, van der Veen now instructed him to get a complete extra outfit of mason's clothes, including a hat, stockings, shoes, and a drill or measuring-rod, and to come to Daatselaer's house.

As soon as he arrived, Grotius proceeded to don these clothes. The jacket did not reach the trousers, and the trousers ended somewhat above the knees. The costume was decidedly a misfit, and, to make matters worse, the conspicuous hands of the statesman were hardly those of a mason; but Madame Daatselaer rectified this by covering his hands with plaster, and further, supplied him with money.

With measuring-rod in hand, Grotius, accompanied by the real mason, walked out of the house about

eleven o'clock in the morning and through the crowded town to the Hansepoort. Van der Veen was to take a different route, meeting them at the ferry. The most dangerous part of this walk was the start from the house, for right next door to the Daatselaer's lived a bookseller, van de Kapelle by name, at whose shop many men of literary taste had gathered on this day. But the two masons passed without anyone recognizing Grotius in his ludicrous costume, and came to the ferry. Here the ferryman refused to make the crossing of the Merwede in such boisterous weather for only two such ordinary passengers. The mason insisted that he had to cross in order to purchase some stone in Altona, and when van der Veen also arrived, interested in the stone too, the ferryman acquiesced and the party was taken over.

From the landing, Grotius and Lambertszoon set out for Waalwyk, leaving van der Veen to return to Gorcum. After many mistakes had been made as to the road, the two masons arrived at Waalwyk at four o'clock in the afternoon. There Grotius knew one of the expelled Remonstrant ministers, and there he rested for two hours.

At Waalwyk a carriage was hired to convey Grotius to Antwerp, where he would be safe, and, to allay the suspicions of the driver, Grotius had the mason tell him that his passenger was a disguised bankrupt fleeing from the country. First taking leave of Jan Lambertszoon, who had indeed proved

a true friend, Grotius left Waalwyk at six o'clock in the evening, accompanied by a friend he had found in the town.

On the way to Antwerp the fugitive displayed such ignorance of the value of his coins, that the driver, upon being asked who his passenger was, answered: "I do not know myself. They tell me that he is a bankrupt, but I believe he is a fool, for he knows no money."

Having ridden the whole night, and being still some distance from Antwerp, they were stopped next morning by a body of soldiers from the Spanish territory, who demanded Grotius' passport. Upon inquiring of them who and where their officer was, he discovered that they were the men of Red Rod, the sheriff of Antwerp, who was not far distant. A request to speak to the leader was granted, and when Red Rod asked him where his passport was, Grotius answered: "I have my passport under my feet."

The sheriff, learning who the fugitive was, did all in his power to aid him, offering him a horse and a trooper to enable him to complete his escape more quickly.

So, between twelve and one o'clock in the afternoon of the 23rd of March, 1621, Grotius arrived safely and without mishap within the friendly walls of Antwerp, and immediately went to the house of the former Rotterdam minister, Nicholas Grevinkhoven.

Being admitted by the minister's daughter, Gro-

tius asked to see her father. Not recognizing the great man, the daughter told her father that "two masons asked for him," and he, in turn, sent out the message that he was busy giving medicine to his sick wife just then, but requested them to wait. However, when Grotius made himself known, and the minister heard the name, he dropped the medicine and flew to the front of the house, followed by his sick wife herself, who came from her bed with bare feet to meet the man all had thought of as though he were dead, and to throw herself upon his neck.

That same evening Professor Episcopius came to see Grotius, who was still in his mason's garb, and "there they ate together and thanked God for his singular mercy."²⁸

Meanwhile Madame de Groot had done her best to allay the suspicion of the garrison at Loevestein. When the servant brought in the midday meal, she told him that her husband, as was often the case, was shut up in his study writing, and all went well. However, when Commander Deventer arrived from Heusden that same evening, the 22nd of March, and inquired about the prisoners, the servant informed him that he had not seen Grotius at noon, since he was writing in his study, but that as he was going over the bridge that evening he had seen that there was no light in this room.²⁹

Captain Deventer now rushed to the rooms which

²⁸ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 251.

²⁹ *Ibid.*, Bk. VI, p. 251.

had confined his prisoners for nearly two years, and there demanded of Madame de Groot: "Where is your husband?"

"The cage is still here but the bird has flown," answered the wife.

In a rage he flew about the fortress, and learning that the chest had been sent to Gorcum that day, proceeded thither in haste that very night, with his soldiers. Surrounding the house of Daatselaer with his men, he got the merchant and his wife out of bed to search the house; but the Commander and the sheriff of Gorcum, Jacob van Paffenrode, found nothing. Van der Veen was most surprised at hearing of the escape and assured the sheriff that his brother-in-law, Daatselaer, knew nothing of it.

The chest now was sought. Madame Daatselaer informed them that it had been sent to the boat going to Delft. There the thoroughly angry Commander flew, and dragged the trunk from the vessel, only to find it filled with thread and cloth.

Deventer, seeing that he had been outwitted, and guessing that his prisoner had escaped by way of Waalwyk, dispatched twenty troopers and some soldiers thither, but with no success. The wings had strengthened in the free air and the bird had flown too far.

The escape was followed by an examination of Daatselaer, Madame de Groot, and the maid Elsje, but nothing could be proven against them. The merchant answered with truthfulness that he had not

seen or spoken with Grotius, and the two women who had done so much to give the prisoner his freedom, were no more enlightening. "The chest had been taken to the house of Daatselaer to remove the contents and to put in again the linen which it contained, before sending it on," said the maid. As for accomplices, "there were none other than I alone," declared Madame de Groot; "it was my own idea."

From Antwerp, Grotius wrote a short note taking all the censure for the escape upon himself, and declaring that, in his flight from Loevestein, he had neither seen nor spoken to Daatselaer.³⁰ Moreover, from this city of refuge Grotius sent to Prince Maurice and Prince Henry, on the 26th of March, 1621, two letters which afford ample refutation of any accusation against Grotius to the effect that he was a disloyal deserter of his country. "I hope that God Almighty will make the true aim of your Excellency the preservation of the honor, the freedom, and the tranquillity of the land."³¹ Disloyal indeed! The scales were balanced the other way.

And again, on the 30th of March, Grotius wrote from Antwerp to the States-General a letter which gives us a clear insight into the character of the great man: "But all the wrong which has been done me and still may be inflicted, shall never sever me from the love which I have always borne for my Fatherland, for whose freedom, tranquillity and prosperity

³⁰ *Ibid.*, Bk. VI, p. 253.

³¹ Letter to Prince Henry, *ibid.*, Bk. VI, p. 256.

I shall always pray." In this, as in his other letters, there is no desire for retribution, but only a desire to serve.³² Grotius had devoted his life thus far to the protection of the constitutional rights of his country, and as a reward had been condemned to lifelong imprisonment. The remainder of his life will speak for itself more eloquently than I can hope to do. Deprived of all his earthly goods, Grotius was to start his life anew, yet not one word of malice was uttered towards the country which had cast him out.

On Thursday, the 25th of March, Madame de Groot received on her table a wheat-cake in which was concealed a note of glad tidings, saying that her husband was safe in Antwerp,³³ and on the 7th of April she was released from Loevestein.³⁴

Of the brave, devoted girl, Elsje van Houwening, it only remains to be said that she later married Grotius' faithful servant, Willem van den Velden, whom, during the imprisonment, Grotius had instructed in Latin and the rudiments of law, and who later became a very capable advocate before the courts of Holland.³⁵

It is said that, when Prince Maurice heard of the escape of Grotius, he remarked: "I thought that they could never keep him in prison, for he was wiser than all his judges."³⁶

³² *Ibid.*, Bk. VI, pp. 257, 258.

³³ *Ibid.*, Bk. VI, p. 255.

³⁴ *Ibid.*, Bk. VI, p. 270.

³⁵ *Ibid.*, Bk. V, p. 238; Bk. VI, p. 280.

³⁶ *Ibid.*, Bk. VI, p. 258.

CHAPTER VII

RESIDENCE IN PARIS AND LITERARY PRODUCTS

Grotius takes up his residence in Paris—His reception there—Madame de Groot arrives in Paris—Grotius is granted a pension—"The Truth of the Christian Religion" ready for the press—Other literary products—The "Justification of the Lawful Government of Holland and West Friesland," and its effect—Grotius moves to Balagni—Begins the "De Jure Belli ac Pacis"—His services sought by the Prince of Holstein and the King of Denmark—The death of Hoogerbeets.

GROTIUS' escape set in motion the pens of the most famous poets of the time, Barlaeus, Rutgersius and others composing Latin verses to celebrate the event and his wife's loyalty and devotion. Even Grotius himself wrote some Latin verses, which Vondel afterwards translated into Dutch, on the subject of his fortunate escape and the chest that had borne him to freedom.¹ Later Grotius went to much trouble to recover this chest.²

The world was too much in need of Grotius to allow him to remain undisturbed in Antwerp. Henry Dupuis, a friend living in Louvain, offered

¹ Burigny's "Vie de Grotius," Bk. I, pp. 127, 128. Grotius' address to the chest is given in full in Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 259.

² "De arca nihil? Nolim perire tantum monumentum divinae in me bonitatis," Ep. 720, p. 971, August 27th, 1644.

him his house, but Grotius declined it, being resolved, on the advice of du Maurier and Président Jeannin, to go to Paris. Accordingly, with letters of introduction from Ambassador du Maurier to some of the important personages in France, and with an assurance from Jeannin of the protection of the King,³ Grotius set out for Paris on the 3rd of April, accompanied by his brother, William, and two men who were to guide him part of the way. Through Ghent and Calais, Grotius traveled to Paris incognito. He arrived late in the night of the 13th, and was received most enthusiastically by all his friends, and especially by the minister Uitenbogaert, who, since his banishment from Holland, had lived in Paris.⁴

At this time the King happened to be at Fontainebleau, but Boissise, who had been Louis' Ambassador Extraordinary to Holland during the trial of Grotius and Barneveld, was left in Paris to receive their guest, to assure him of the King's good will, and to see to his comfort.

Everyone in Paris was enthusiastically hospitable to the fugitive, except the Dutch Ambassadors, who were instructed by the States-General to treat Grotius with a frigidity which would destroy his standing. This order was fully obeyed, but the calmness with which Grotius took their insults, and the manner in which he returned good for evil by doing all in his power to serve his country, only helped to

³ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 270, Letter of Jeannin.

⁴ *Ibid.*, Bk. VI, pp. 270, 271; Apologium, c. 18.

strengthen his position in France, and actually brought him praise from the King.

On the 30th of April, van Langerak, Ambassador from the States to France, wrote to the States-General,⁵ that Grotius had asked the French Ministry to use their influence with the States-General to secure his pardon. The injustice of this statement was more than Grotius could bear in silence, and we find him writing to du Maurier: "It is declared that I, now being free, have asked for pardon, which I refused to do, even when it would have saved me from shame, imprisonment, and the confiscation of my estate."⁶

Apart from these annoyances, Grotius seems to have been happy in Paris. The hospitality originally accorded him did not wane, and his only anxiety was for his wife whom he had left behind in Loevestein to the mercy of the States-General. On May 14th, 1621, he wrote again to du Maurier that all Paris was very kind to him, that he was being received by the great men of the city, and that the only cause for concern was the thought of his wife being still in prison.⁷ Evidently he had not yet received the good news of his wife's liberation on April 7th, just past.

⁵ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 271. François Aerssen, Lord of Sommeldyk, and Gideon van Boetselaer, Lord of Langerak, had been appointed Ambassadors to France in the beginning of the year 1621. *Ibid.*, Bk. V, pp. 238, 239.

⁶ Ep. 147, p. 57.

⁷ Burigny's "Vie de Grotius," Bk. I, p. 140.

The famous Peyresc declared that, in the arrival of Grotius at Paris, Holland had made amends to France for taking away the illustrious Scaliger from her, in former years, and two Latin epigrams were written expressing this sentiment, as follows:

"Gallia, Scaligerum dederas malè sana Batavis:
Grotiadem reddit terra Batava tibi.
Ingratam expertus patriam venerandus uterque est:
Felix mutato erit uterque solo."⁸

And

"Gallia magnanimis dedit exorata Batavis
Dis geniti aeternum Scaligeri ingenium:
Fallor an humanis malè dura Batavia Gallis
Scaligerum magno reddidit in Grotio."⁹

Du Vair, Keeper of the Seals, actively interested himself in an effort to obtain from the King a present for Grotius, pending the grant of a pension, but, while thus engaged, he died at Tonneins on the 3rd of August, 1621.¹⁰ This was a great loss to Grotius, for expenses were increasing. Late in September, 1621,¹¹ Madame de Groot arrived in Paris, to remain with her husband in banishment as she had done in his imprisonment. The time subsequent to her liberation from Loevestein she had spent in Holland and Zeeland, putting her affairs in order, before her

⁸ Burigny's "Vie de Grotius," Bk. I, p. 141; Ep. Grotii, 401, p. 868.

⁹ *Ibid.*, Bk. I, p. 141; Buchner. Vind. Grot., p. 237.

¹⁰ *Ibid.*, Bk. I, p. 143.

¹¹ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 278. Burigny, in his "Vie de Grotius," Bk. I, p. 145, says that Madame de Groot arrived in Paris in October, 1621.

departure for France by sea.¹² After her arrival in Paris, Grotius hired a house, in spite of the drain upon his scanty resources. There they lived, making many friends. No less a personage than the Princess of Condé exhibited an interest in Madame de Groot to the extent of expressing admiration for the means employed by her for Grotius' escape, remarking that "she (the Princess of Condé) was sorry that she had not so freed her husband, the Prince, when he had been confined in the Bastille."¹³ The great Vondel sang the praises of Madame de Groot in a felicitous poem, dedicated to her, in which he speaks of her as "Gemalin" or "Consort," a word showing the great respect in which the poet held the statesman and his wife.¹⁴

Meanwhile, his expenses were growing so heavy that Grotius was troubled over the means wherewith to live, and on December 3rd, 1621, we find him writing to du Maurier that if nothing could be done for him he would have to retreat to Germany or some corner of France.¹⁵ The King, however, returned to Paris on the 30th of January, 1622,¹⁶ and early in March Grotius was presented to him by Chancellor de Silleri, and the Keeper of the Seals de Vic, who had received this office after the death of

¹² Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 278.

¹³ *Ibid.*, Bk. VI, p. 278.

¹⁴ This poem can be found among Vondel's lyric poems, or in Brandt's "Het Leven van Huig de Groot," Bk. VI, pp. 279, 280.

¹⁵ Burigny's "Vie de Grotius," Bk. I, p. 145.

¹⁶ Burigny's "Vie de Grotius," Bk. I, p. 145.

du Vair.¹⁷ Louis received him graciously, and not only granted him a pension of three thousand livres¹⁸ to be paid quarterly, but also, by means of letters-patent signed at Nantes on the 22nd of April, 1622,¹⁹ extended protection to all persons persecuted by the States. By these letters, the King declared that he regarded all those condemned in Holland and seeking refuge in France as his own subjects, whose heirs might succeed to their estates, which would not be liable to escheat to the Crown.

Being now assured of the protection of the King, Grotius rented a more pretentious house on the Rue de Condé, opposite the mansion of the Prince, and shared it with a man named Tilenus.²⁰ But payments of the pension were slow in coming in, and Grotius' financial affairs were little better than before. That they were anything but prosperous may be inferred from the letter which his friend Vossius wrote to him, in some alarm, lest Grotius might change his religious views in order to secure his pension more promptly, in answer to which Grotius assured his friend that he had no such intention.²¹

The death of the friendly de Vic, September 2nd, 1622,²² was a great loss to Grotius and the other

¹⁷ *Ibid.*, Bk. I, p. 145; Ep. 29, p. 763, and Ep. 319, p. 114.

¹⁸ Ep. 30, p. 764. Brandt declares this pension was 3,600 gulden a year, "Het Leven van Huig de Groot," Bk. VI, pp. 284, 285.

¹⁹ Burigny's "Vie de Grotius," Bk. I, p. 146; *Mercure François*, 1625, p. 185; Ep. Grotii, 32, p. 764, and 34, p. 765.

²⁰ Burigny's "Vie de Grotius," Bk. I, p. 146.

²¹ Burigny's "Vie de Grotius," Bk. I, p. 147.

²² *Ibid.*, Bk. I, p. 146.

refugees from Holland, for now de Caumartin, a man very much out of sympathy with the Protestant cause, was made Keeper of the Seals. But this was not all, for Président Jeannin, the man who had aided Holland in bringing about the Twelve Years' Truce of 1609, the friend of that country, and of Grotius, died in April, 1623.²³ That Grotius felt the loss keenly, we have as proof a letter of April 23rd, 1623,²⁴ to his brother William, lamenting the death of his faithful friend and mentor.

While these things were taking place, Grotius was not idle in the field of literature, for, in a letter to Vossius of September 29th, 1621,²⁵ he stated that his six books in Dutch verse on "The Truth of the Christian Religion," as well as "An Investigation of Pelagianism,"²⁶ were ready for the press, while an edition of Strobaeus was in preparation. Since his arrival in Paris, Grotius had devoted much time to reading on theology, worshipping at home with his family, since the ministers of Charenton had refused to receive him in communion unless he renounced his religious beliefs.

Early in the year 1622, Grotius finished his "Justification of the Lawful Government of Holland and West Friesland," in the Dutch language.²⁷ This

²³ *Ibid.*, Bk. I, p. 148.

²⁴ Ep. 53, p. 770.

²⁵ Ep. 163, p. 61.

²⁶ The title of this work is "Disquisitio, an Pelagiana sint ea dogmata, quae nunc sub eo nomine traducuntur."

²⁷ Brandt's "Het Leven van Huig de Groot," Bk. VII, p. 287; Burigny's "Vie de Grotius," Bk. I, p. 152.

work, which was designed to show his innocence to the world, was begun the year before,²⁸ on the advice of Président Jeannin, who had counseled Grotius to write his vindication while the facts and events were still fresh in his mind. Accordingly, he sent to his brother-in-law, Nicolaas Reigersbergen, for various letters and documents which would enable him to authenticate his facts and strengthen his argument.²⁹ With these materials, and others furnished by Hoogerbeets and by de Haan, now Counsellor of the Prince of Holstein, the vindication was written.

While he was still busy translating the "Justification" into Latin, Grotius sent a copy of it to the French Ambassador in Holland, du Maurier,³⁰ in order that he might obtain the opinions of his friends on the advisability of publishing it. On this question there was some dispute among them. But the work was printed in Amsterdam under the direction of some Remonstrants, and published in Dutch (after some interference) at Hoorn, in November, 1622, the Latin translation having appeared in Paris more than a month before, with the permission of the King.

In this way the wrath of the States-General was once more aroused against Grotius;³¹ and on the 24th of November, 1622, they published a proclamation,³² denouncing Grotius as having committed

²⁸ Brandt's "Het Leven van Huig de Groot," Bk. VI, p. 280.

²⁹ *Ibid.*, Bk. VI, p. 280.

³⁰ *Ibid.*, Bk. VII, p. 287.

³¹ *Ibid.*, Bk. VII, p. 293.

³² *Ibid.*, Bk. VII, pp. 302, 303. The proclamation in full is printed here in the original Dutch.

"*Crimen laesae Majestatis*," describing the book as "a notorious, seditious and scandalous Libel," and making it a penal offence for any one to possess or to read it, or to give it to others to read. But, worst of all, the proclamation declared that the author of the "Libel" should be taken into custody, *wherever* and *whenever* found, "no lapse of time exempting him from this."

It is needless to say that this clause caused Grotius much anxiety. He was undecided whether to write a letter of defense to a friend for publication, to prepare a new apology upholding his former one, to complain to the States-General, or to appeal to the Parlement of Paris and King Louis of France for protection. Finally, he decided to do the last of these, and as a result was favored with a special protection against the Edict, in the form of a royal decree issued at Paris, February 26th, 1623.³³

Yet, throughout all this added persecution, Grotius' loyalty to his country never wavered. In the height of the trouble, he wrote ³⁴ to his brother that he was still anxious to work in the interest of Holland; that, if the United Provinces were desirous of entering into a closer union with France, he would assist them with all his power; that the public inter-

³³ Burigny's "*Vie de Grotius*," Bk. I, p. 157, from *Mercure François*; Brandt's "*Het Leven van Huig de Groot*," Bk. VII, pp. 310, 311. The declaration, translated into Dutch, appears there.

³⁴ Ep. 50, p. 769, April 7th, 1623, "Ego pro patria laborare non desino. Et si nostri foedus arctius cum Gallo inire cupiunt, non deero adjutor. Neque enim ob paucorum injurias publica utilitas deserenda est."

est was not to be sacrificed to the resentment of injuries received by a few, and that private advantage must be subordinate to public good.

In this year of 1623, Grotius' translations of and additions to Strobaeus' collection of the maxims of the Greek poets were published by Nicolas Buon in Paris. Indeed, when a boy, he began to translate these maxims into Latin verse, and was still working upon them during his imprisonment at The Hague. He tells us ¹⁸ that, when he was deprived of pen and ink there, he was at the forty-ninth title, which is an invective against tyranny. The work, being resumed at Loevestein, was completed at Paris, where it was published for the first time. In the library of the University of Leiden there is a copy of the Geneva edition of Strobaeus, of the year 1609, with some notes in Grotius' own hand.

During the spring of 1623, the death rate in Paris was markedly increased by an infectious disease which seemed to be in the air,¹⁹ and Grotius decided to move into the country for a time. In May, Président de Mèrme having offered him his country-seat at Balagny, near Senlis, Grotius moved thither, to remain during June and July. There he walked and studied, being visited by three Hollanders; the son of Elias Barneveld, who, we remember, had been Pensionary of Rotterdam and had died in July, 1612; the son of his fellow-prisoner Hoogerbeets;

¹⁸ Eg. 200, p. 72.

¹⁹ Brandt's "*Het Leven van Hugo de Groot*," Bk. VII, p. 204, "*door een besmettelijke lucht veroorzaakt wierdt.*"

and Adriaen Daatselaer, to whose house Grotius had come in the chest. There he also received two sons of Mr. Meerman, Director of the East India Company, and his cousin Graswinkel.³⁷

In this house in the country Grotius began the work, which above all has made his name immortal, the "De Jure Belli ac Pacis" or "The Rights of War and Peace."³⁸ During this time he enjoyed, through the courtesy of Francis, son of the late Président de Thou, the use of the latter's library, one of the best in Europe, so that he was enabled to carry on his work without feeling the need of his own lost books.³⁹

Out of deference to the religious beliefs of Président de Mêmes, Grotius was careful not to do anything which might offend the very zealous Catholic whose house he occupied, and we find that while there he served no meat on Fridays or Saturdays, received no refugee clergymen from Holland, and held no public services of the Protestant religion. All too quickly the summer must have passed, and early in August Grotius left Balagni to reside in Senlis until October, when he returned to Paris.⁴⁰

The next year, that of 1624, gives abundant proof of the value of Grotius in the eyes of Europe of that day, for this year brought forth requests from

³⁷ Brandt's "Het Leven van Huig de Groot," Bk. VII, p. 314; Burigny's "Vie de Grotius," Bk. I, p. 163.

³⁸ Ep. 56, p. 770, and 57, p. 771.

³⁹ Burigny's "Vie de Grotius," Bk. I, p. 164.

⁴⁰ *Ibid.*, Bk. I, pp. 164, 165.

the Prince of Holstein and the King of Denmark, to the man Holland had discarded, to enter their service.⁴¹ To the offer from Holstein, Grotius seems to have given little thought, but he decided to obtain the counsel of his friends regarding the opportunity presented in Denmark.

With this end in view, and in order to attend to what was left of her property, Madame de Groot departed from Paris in the beginning of June, 1624, for Holland, traveling by way of Antwerp and Zeeland.⁴² On the 12th of July she arrived in Rotterdam, whence she proceeded leisurely to Delft, Leiden, and Amsterdam, consulting with her husband's friends in each place. At Delft she saw Mr. Meerman; at Leiden, Vossius and Erpenius; at Amsterdam, Burgomaster Cornelis Hooft and his son, the historian of Muiden,⁴³ whose ancient castle, which was Hooft's home, still stands, its walls washed by the waves of the Zuider Zee, not far from Amsterdam. The general advice of these and other friends was adverse to the acceptance of the offer of the King of Denmark. Their faith in Grotius had never wavered, and they believed that the future held better things in store for him.

Having completed her business in Holland, Madame de Groot arrived in Middelburg the last of September to spend some time with her brothers and sisters, when she received a letter from Gro-

⁴¹ Brandt's "Het Leven van Huig de Groot," Bk. VII, p. 318.

⁴² *Ibid.*, Bk. VII, pp. 318, 319.

⁴³ *Ibid.*, Bk. VII, pp. 319, 320.

tius' servant, Willem van den Velden, saying that her husband was very ill.⁴⁴ Grotius had indeed been seized with a high fever and dysentery; and, as he wrote to his brother,⁴⁵ the attack confined him to his bed for three weeks and necessitated his being bled four times. Madame de Groot herself also was ill at this time. Brandt says that her indisposition was caused by the news of her husband's sickness; and as soon as she was able to travel, she returned to Paris, but only to find her husband much better and about once more.

While recuperating, Grotius rewrote parts of his translation of the "Phoenissae" of Euripides, which had been lost during his imprisonment at The Hague, and completed the task, though the book was not published until 1630.⁴⁶ The preface states that the work was done in prison as a relaxation and consolation, for he agreed with Timocles, that tragedies may serve to alleviate troubles by turning our thoughts to the vicissitude of human affairs. The translation is in Latin verse, the three rules of Greek tragedy being strictly adhered to.

But we must turn once more to Holland. On April 23rd, 1625, Prince Maurice died, at the age of fifty-eight, after an illness of six months,⁴⁷ his brother Frederick Henry succeeding him as Stadt-

⁴⁴ *Ibid.*, Bk. VII, pp. 323, 324.

⁴⁵ October 18th, 1624; Burigny's "Vie de Grotius," Bk. I, p. 165.

⁴⁶ It is dedicated to Président de Mèze; Burigny's "Vie de Grotius," Bk. I, p. 166.

⁴⁷ Burigny's "Vie de Grotius," Bk. I, p. 166; from *Mercure François*.

holder. This change raised the hopes of Grotius and caused him to think that the return to his country would not now be opposed, for the new Prince had never manifested an antagonism to the Arminians, and had even been thought secretly to favor them and their cause. However, his hopes were vain, for both his own efforts and those of his friends to obtain permission for his return were futile.

To Hoogerbeets, on the contrary, still confined in Loevestein, the death of Maurice brought almost instant relief, for, on the 30th of July, 1625, the States-General passed a resolution giving him at least partial freedom. After some delay he was removed from his prison, to a house at Weer, near Wassenaer, under surety from his friends, of twenty thousand gulden, or eight thousand dollars, "not to depart from there or do anything to the detriment of the land."⁴⁸ However, this liberty, given to Hoogerbeets after a confinement of almost seven years, did the poor man little good, for he died and found a greater freedom, on the 27th of September, 1625, five weeks after he was released from Loevestein.⁴⁹ The year of his death has been indelibly fixed upon the mind of the world by the publication of Grotius' great masterpiece in the realm of International Law, "The Rights of War and Peace."

⁴⁸ For resolution of States-General of July 30th, 1625, see Brandt's "Het Leven van Huig de Groot," Bk. VII, p. 338.

⁴⁹ *Ibid.*, Bk. VII, p. 339.

CHAPTER VIII

THE "DE JURE BELLI AC PACIS"

The "De Jure Belli ac Pacis" published—Placed upon the Papal Index—Grotius' indebtedness to forerunners—The development of the modern science of International Law.

IT was summer in Paris when the "De Jure Belli ac Pacis" first appeared. This book, dedicated to the "Most Christian King," Louis XIII of France, and destined to shine through succeeding centuries as a star of the first magnitude in the realm of International Law, was published in June, 1625.¹

In November, 1622, Grotius had begun to compile the book which he headed "ad aliquid de jure commentandum," this "aliquid" or "something" being nothing other than the plan of his masterpiece. Yet the winter of 1622 had passed and the spring of 1623 was come, before he took the text well in hand.² But, so steadily and intensely did he work at it, that by June, 1624, it was almost completed, and Graswinkel, who was then staying with him, helped him with the transcription.³ In a little more than one year, therefore, the text of the work which

¹ Brandt's "Het Leven van Huig de Groot," Bk. VII, p. 327.

² Fruin's "Verspreide Geschriften," vol. III, p. 424.

³ *Ibid.*, vol. III, p. 424.

is generally regarded as the foundation of the modern science of International Law, was begun and completed.

This statement would be almost unbelievable, if we did not know that the author had long meditated over the undertaking, and had read exhaustively the writings of others upon the same subject. Although Grotius nowhere informs us that his "*Jus Praedae*" or "*The Law of Spoils*" helped him in the writing of "*The Rights of War and Peace*," it is most probable that he made use of this work of his youth in the preparation of his later book. Of course there was no reason to mention the earlier work, for both were products of his own mind, and the author owed no acknowledgment to the public for whatever part the "*Jus Praedae*" played in the production of the "*De Jure Belli ac Pacis*." Also, we must remember that the former work was unknown to the world until 1864, when the manuscript was discovered at The Hague, for only in his defense of the "*Mare Liberum*" or "*Free Sea*" against Welwood, had Grotius mentioned the "*Jus Praedae*."

The title of the "*De Jure Belli ac Pacis*," the author took from Cicero's "*Oratio pro Balbo*" (cap. 6) where a summary of all the subjects of the Law of Nations is concluded in these words, "*universum denique belli jus ac pacis.*"⁴ As for his motives for writing this book, we have Grotius' own words. "*Men should do me a great injustice,*" so he writes

⁴ Fruin's "*Verspreide Geschriften*," vol. III, p. 425.

in his *Prolegomena*, "if they supposed that I wish to allude to a single question of law, which is now being contested or would soon be controverted. As the mathematicians look upon figures, differentiated from all existing matter, so I have discussed the substance of the law, separated from all practical deeds." In his letters to his friends, he gives no other reasons for his writing, than the desire which animated him to soften and to check the ever increasing desire of princes and people for the waging of arbitrary and capricious wars.⁵

It is unnecessary here to give at any length a synopsis of the book. It has been translated in full into English as well as into many other languages, and in various works on International Law an analysis of it may be found.⁶ In form, "The Rights of War and Peace" is divided into three parts or books. The first part deals with "the right of war" (*jus belli*), and treats of the different kinds of wars; the second part treats of the causes of war, or the violation of the public or private right which justifies the taking up of arms; while the third part deals with the course of war, considers what is permissible

⁵ *Ibid.*, vol. III, p. 372.

⁶ The "*De Jure Belli ac Pacis*" has been translated from the original Latin into Dutch, Swedish, English, German, and French. In a catalogue entitled "*Le Droit International Public dans les Pays-Bas, 1596-1913*," issued by Martinus Nijhoff, The Hague, a list of the 53 editions of the "*De Jure Belli ac Pacis*," in Latin, French, German, English, and Dutch, is given.

Campbell's translation of the "*De Jure Belli ac Pacis*" is very good. Also, in Walker's "*History of the Law of Nations*," vol. I, pp. 285-329, there is a rather full analysis of the work.

in war, and discusses the conventions or treaties which end it.

When the book appeared in Paris it was read by Cardinal Francis Barberin, who was residing there as legate from his uncle, Pope Urban VIII. Though he was otherwise pleased with the work, it shocked the Cardinal because it did not refer to the Popes by the Roman Catholic titles. At Rome, also, the "*De Jure Belli ac Pacis*" received censure on the same grounds, and, on the 4th of February, 1627, it was placed upon the Papal Index, and, with the author's Apology and Poems, was forbidden to all Catholics.⁷ This ban was not lifted until 1901, when Leo XIII, responding to the weight of public opinion, caused the inhibition to be removed. Dr. Andrew D. White, President of the American Delegation to The Hague Peace Conference of 1899, tells us⁸ that Pope Leo XIII applied for the admission of a delegation to that conference, but that the application was refused, among other reasons, because the "*De Jure Belli ac Pacis*," the book which contained the foundational principles of international arbitration, was still prohibited by the church.

The natural question to ask, the very question that came to Vissering and Fruin in dealing with the "*De Jure Praedae*," is, what is the connection between

⁷ Burigny's "*Vie de Grotius*," Bk. I, pp. 177, 178; Brandt's "*Het Leven van Huig de Groot*," Bk. VII, pp. 330, 331. For Grotius' remarks on religion and heretics in the "*De Jure Belli ac Pacis*," see Bk. II, c. XX, §§ 49, 50.

⁸ A. D. White's "*Seven Great Statesmen*," p. 102.

these two books of Grotius, written with a gap of twenty years between them? The "Jus Praedae" was written to justify the war in the Indies, the "De Jure Belli ac Pacis" to check the lust for the waging of wars. As Grotius had grown older his desire for peace had increased and he later declared the wish that he might be able to annihilate all of his war-poems, "ista belli incitamenta." ⁹

During the twenty years which separated the "Jus Praedae" and the "Jus Belli ac Pacis," Grotius' opinion regarding the Law of Nature had remained almost unchanged. In this time, only once, five years before the publication of the later book, in his "Introduction to the Dutch Law," which had been composed in Loevestein, had Grotius thus declared himself on this subject.¹⁰ In general, it seems that the "Jus Praedae" constitutes a large part of the "Jus Belli," to which the "Jus Pacis" was added, making the arrangement and order a little confused.

Grotius has been criticized many times for taking his material from other authors, rephrasing their sentences but saying essentially the same thing. In defense of the author of the "De Jure Belli ac Pacis," it is only necessary to say that Grotius himself realized this and acknowledged it. The answer is to be found in the Prolegomena, the words of Grotius reading as follows, "Artis formam ei (juris-

⁹ Fruin's "Verspreide Geschriften," vol. III, p. 429.

¹⁰ *Ibid.*, vol. III, p. 434.

prudential) imponere multi antehac destinarunt: perfecit nemo."¹¹

Albericus Gentilis, an Italian Protestant, who died as Professor at Oxford in 1608,¹² is the author of a "De Jure Belli," and it has been said that Grotius obtained much of his material from him. No doubt the arrangement of the "De Jure Belli ac Pacis" of Grotius is somewhat similar to that of the "De Jure Belli" of Gentilis, yet the order and reasoning of Grotius are better than those of Gentilis. The Dutch publicist stood with relation to Gentilis just as he stood to many authors who had written on the same subject; he certainly knew their works and used them, but he brought order out of chaos, light where darkness was.

To Franciscus Victoria, who wrote between 1530 and 1540, Grotius also is indebted, for among Victoria's "Relectiones" are found two treatises, the "De Indis noviter inventis," and the "De Jure Belli."¹³ "For Protestant theology," writes Fruin, "the theological proofs of the Dominican Monk naturally were not satisfying. But the theologian had a noble and peace loving heart, a mind for truth and right, and his deductions were just throughout."

Grotius is also indebted to Covarruvias and Vasquius, the Spanish jurists, a debt which he gratefully

¹¹ Prolegomena, § 30, p. xxii, of the edition of "De Jure Belli ac Pacis," 1773.

¹² Walker's "History of the Law of Nations," vol. I, p. 274, note 1.

¹³ Fruin's "Verspreide Geschriften," vol. III, p. 431; Walker's "History of the Law of Nations," vol. I, pp. 214-230.

acknowledged. The first, who died as Counsellor in the Court of Grenada in 1577, was the author of a work concerning governmental authority, determining the latter's right to wage war.¹⁴ The second of these men, Fernandus Vasquius, also a counsellor in the Spanish court of law, died in 1566, and left, as proof of his greatness, the "*Illustrium Controversiarum aliorumque usu frequentium Libri tres.*"¹⁵ From both these writers Grotius has taken some material, but in his "*Rights of War and Peace*," he speaks of the lawyer and philosopher Vasquius with respect, and in his "*Law of Spoils*" with admiration. "*Vasquius*," he says there, "the jewel of Spain, in whom we never lose sagaciousness in the acknowledgment of the law, nor frankness in the teaching of truth."¹⁶

As for Winkler's "*Principia juris*," which had appeared ten years before the "*De Jure Belli ac Pacis*," "it must be recognized that Grotius knew nothing of Winkler, or any other of the German writers, and that he has borrowed nothing from them."¹⁷

So we see that the masterpiece of Grotius was something more than a mere compilation of the thoughts of men who had lived and written before him. From the poets, historians, theologians, and jurists of all the ages which preceded him, Grotius had taken the best, discarded the rest, and had

¹⁴ Fruin's "*Verspreide Geschriften*," vol. III, p. 432.

¹⁵ For the editions and analysis of this work, see Walker's "*History of the Law of Nations*," vol. I, p. 245.

¹⁶ Fruin's "*Verspreide Geschriften*," vol. III, p. 432.

¹⁷ *Ibid.*, vol. III, p. 434.

woven, with his great mind, these varied teachings into an harmonious whole—a working system of International Law.

That the author of the "De Jure Belli ac Pacis" went back to the ancients, through history sacred and profane, is not at all strange. These were the only authorities which would carry any weight, for the system of reporting cases was not yet in extensive use, and an "international mind" had not yet been developed which would cause the conclusions of a question involving, say, two countries, to be recognized by a third, not interested therein. The ancients, in 1600, always carried conviction with them, and the logical deductions from them were authoritative.

"Modern International Law may date its beginnings as a distinct branch of scientific study from the labors of Hugo Grotius."¹⁸ Does Grotius, then, deserve the title of "Father of International Law," a name which has many times been given to the great statesman and jurist? Although one looks upon Grotius, the man who lived three hundred years ago, the man who still lives in his works to the present day, with profoundest admiration, he certainly cannot truthfully be said to have created the Law of Nature. But he combined with it and to a great extent founded upon it the law of nations, and in that manner constructed principles which remain remarkably true to-day. In this sense he may

¹⁸ Walker's "History of the Law of Nations," vol. I, p. 336.

be called the Father of International Law, although some have preferred to speak of him as its Discoverer.¹⁹

A very imperfect "law between nations" had been left as an heritage by the Hebrew Tribes; by the Greeks, the Romans, the Popes, and the merchants of the Middle Ages, and by Machiavelli. But the Hebrews had disregarded all rules of humanity in their warfare against their neighbors. Conquest was followed by the burning of cities, and the massacre and enslaving of men, women, and children, with a justification no less than the laws of Moses and the Psalms and Prophecies of the Old Testament. The warfare of the Greeks against foreign nations had been no less barbarous, although among themselves principles of justice and humanity had begun to creep in, by the substitution of slavery and ransom for the murder of prisoners.

The Roman Republic, fighting for existence against hostile tribes of barbarians, was in no position to change these methods of warfare, but the Empire sought to extend its system of Civil Law to the conquered. The barbarous tribes of those days, however, were not easily absorbed in the conquering civilization. A system of law had to be devised for them; and although the Roman lawyers "refused to decide the new cases by pure Roman Civil Law,"

¹⁹ H. J. Hamaker, in his "Verspreide Geschriften," part VI, on "International Private Law" ("Beschouwingen over en naar aanleiding van Hugo de Groot's 'Jus Belli ac Pacis,' 1883"), uses the word with reference to Grotius.

they constructed a code of rules common both to Rome and to the various Italian tribes into which the alien elements were brought, a "jus gentium," a law common to all nations the Romans were concerned with.²⁰ The Roman jurist no doubt looked upon the "jus gentium" with the same contempt with which he gazed upon the foreigner. It was something forced upon him by political necessity, foreign to his system of law, and therefore little to be respected. But an evolution was to take place, as a result of which this disdained "jus gentium" was to become a model, imperfectly developed, but to which all law ought as far as possible, to conform. The real "crisis arrived when the Greek theory of a Law of Nature, 'Jus Naturale,' was applied to the practical Roman administration of the Law common to all Nations."²¹

The word Nature, in the Greek sense, at first meant "the physical world regarded as the result of some primordial element or law,"²² but later it included both physical and moral considerations. To live according to nature was, to the Greek mind, to live above "disorderly habits and the vulgar," in a higher stratum of society, where self-denial and self-command should dominate, the very essence of the Stoic philosophy. And after this conception of Nature became thoroughly assimilated in the Roman life, the lawyers began to think "that the old 'Jus

²⁰ Pollock's "Maine's Ancient Law," p. 47.

²¹ *Ibid.*, pp. 49, 50.

²² *Ibid.*, p. 51.

Gentium' was in fact the lost code of Nature, and that the Praetor in framing an Edictal jurisprudence on the principles of the 'Jus Gentium' was gradually restoring a type from which law had only departed to deteriorate."²³ So the "Jus Naturale" or Law of Nature is simply the "Jus Gentium" or Law of Nations, revealed in a peculiar light. Their point of contact seems to be through "Aequitas" or Equity in its original sense.²⁴ The difference between the two is entirely historical, and no fundamental distinction can be established between them. But the Law of Nations began to take on the aspect of a law *between* nations and the "Jus Gentium," "Jus Naturale," and the "Jus Feciale" (the law of negotiation) became much confused, in which state they remain, in a measure, to this day.

If the Mediaeval Empire in Northern Europe had proved as strong as its founder, we might to-day have preserved to us a Germanic Code as strong as the Roman Code has been. But the Empire of Charlemagne was a huge anachronism, and, when it fell, it carried down with it the increment of progress in International Law. Though it called itself the Holy Roman Empire, it was neither Holy, Roman, nor Empire, so decayed was it; and when, in 1806, it fell, no one heard the sound.²⁵

²³ *Ibid.*, p. 54.

²⁴ For a discussion of this see Pollock's "Maine's Ancient Law," pp. 55-69.

²⁵ See Ford's "Rise and Growth of American Politics," p. 19; also Ford's "The Cost of Our National Government," p. 79, note 1.

During the eleventh and twelfth centuries, the Church took up the burden of carrying forward the more humane law to govern warfare. The "Truce of God" was a result of the untiring effort of the Church to secure peace, forbidding, as it did, all hostilities from Thursday night until Monday morning, as well as on the numerous fast days.²⁶

But the lust for earthly goods ate its way into the heart of the Church, and the Popes were no longer fit to administer peace, as the highest tribunal. In 1268 Conradin, a sixteen year old boy, the last of the Hohenstaufen line, who had been captured at Tagliacozzo, was beheaded at Naples virtually by order of the Pope. Pope Pius V openly commanded Catherine de Medici, Charles IX, and the Duke of Anjou not only to persecute but also to massacre every Huguenot in France, while Gregory XIII rejoiced with thanksgiving in his Papal Palace at Rome, upon hearing the good news, and caused a medal commemorating the event to be struck off for circulation through Europe.

The intolerance of the Popes had unfitted them to hold the place of international arbiters. Their statement that "no faith is to be kept with heretics" was the essence of their doctrine, and they held tenaciously to the teaching that a peace between Catholics and heretics was as impossible as an agreement between light and darkness, or heat and cold.

²⁶ Issued by the Archbishop of Cologne in 1083. See Robinson's "Readings in European History," ch. IX.

Moreover, the Popes exercised the power to absolve treaty-makers from their oaths—exercised it by almost forcing Francis I of France to break his oath, given in the treaty of Madrid, to Charles V in 1526; exercised it, after Grotius' death, by endeavoring in all ways, fair and foul, to cause the signatories of the Peace of Westphalia to break their oaths. Nor was the Catholic Church solely at fault; for the breaking of oaths was also countenanced and practiced by the Reformed Church, which waged war over theological quibbles, even against fellow Protestants. Truly, there was no hope, after the Reformation, for a religious international tribunal.

Nevertheless, there was a ray of light shining through this wall of darkness; for, although the Germanic Empire and the Church had failed to bear their "white man's burden," a few merchants had succeeded in establishing some maritime codes, such as the "*Regles d'Orléans*," the "*Consolato del Mare*," the "*Laws of Wisby*,"⁴⁷ and the "*Customs of Amsterdam*"; and the forerunners of Grotius, heretofore mentioned, had contributed to the great movement. Finally, Grotius heard the call and answered it. Nor was his task a light one. The diplomacy of the time was the hideous, lying diplomacy of Machiavelli's "*Prince*," having for its hero the despicable Cesare Borgia, son of Pope Alexander VI. Monstrous crimes were committed by

⁴⁷ The Laws of Wisby are sometimes called the "*Gotland Sea Laws*," since they were adopted by the town of Wisby, on the island of Gotland, in the Baltic Sea.

Catherine de Medici in France, by Philip II and the Dutch in the Netherlands,²⁸ and by Tilly and Wallenstein in Germany. Truly the world was in need of a Grotius. One has but to compare Machiavelli's "Prince" with Grotius' "Rights of War and Peace" to realize the great step the Dutch jurist took in the very face of all Europe, the one book founded upon deceit and trickery, the other on justice and truth.

Grotius has been criticized severely for basing his arguments too much upon the Law of Nature and not enough upon the Law of Nations. Freely admitting, as we must, that a proposition cannot be correct in theory and incorrect in practice, and conversely, it is submitted, nevertheless, that a proposition may be right in theory and yet inexpedient. Human progress has most often been attained by means of a compromise between what may have been right and what was certainly expedient. But the expedient is frequently easier of discernment and of action than the right, and, in international relations it has been the Law of Nature, in which Grotius sought support, that has prevented the law between nations from deteriorating into mere rules of expediency.

²⁸ The methods of the Spaniards are well known. For an account of Dutch atrocities, see Motley's "History of the United Netherlands," vol. IV, pp. 229, 230.

CHAPTER IX

FINANCIAL DIFFICULTIES AND APPOINTMENT AS AMBASSADOR

Grotius' financial difficulties—He returns to Holland—But is forced to leave for Hamburg—The Thirty Years' War—Grotius is appointed Ambassador from Sweden to France.

HAVING wandered somewhat afield in our discussions, let us now return to the course of our narrative.

Long before the publication of his greatest work, Grotius was growing tired of Paris, where his pension, if paid at all, was always late, and was at best hardly enough to live upon. On July 12th, 1623, he had written to his brother that he would accept a good position elsewhere, if any were available, and this thought had continued in his mind through the years 1624 and 1625.¹ Yet he had thought it best to decline the offers of the Prince of Holstein and the King of Denmark, in 1624, hoping no doubt, that a greater opportunity would present itself elsewhere.

When Cardinal Richelieu became the Principal Minister of Louis XIII in 1624, he held out tempting offers to Grotius, if the latter would devote him-

¹ Ep. 58, p. 771.

self entirely to the interests of France and sever his connection, which was now one of sentiment only, with the country of his birth. But this Grotius refused to do. "I am very sorry," he writes to du Maurier, "that I can be of no use to the Kingdom of France where I have found refuge, but I must adhere to my former way of thinking."²

In these circumstances, life in Paris became less and less endurable to Grotius and his family; and their situation was not improved when the Seals were given to Marillac, an open enemy of all Protestants. Accordingly, we find Grotius writing to his brother on July 17th, 1626, and to du Maurier on September 19th of the same year, that his pension had been unpaid for two years and that it had become almost necessary to find a residence elsewhere.³ On the 4th of January, 1630, he wrote to his brother, "I am seriously thinking of settling in some place where I may live more commodiously with my family," and before December of that year had passed, he was fully resolved to leave France.⁴

Before the death of Prince Maurice, Frederick Henry of Nassau had displayed a very friendly attitude toward Grotius, and had even expressed the hope that time would bring about a change which would result in the reestablishment of Grotius in

² Ep. 249, p. 84.

³ Ep. 128, p. 792, and Ep. 67, p. 774; 219, p. 76; Burigny's "Vie de Grotius," Bk. I, p. 183.

⁴ Ep. 226, p. 823; Burigny's "Vie de Grotius," Bk. I, p. 184. See letter of December 27th, 1630; Ep. 267, p. 836.

Holland, in the occupation of the honored position he deserved there. But the results of a trip of Madame Grotius to Holland in the spring of 1627 were not very promising, and on February 21st, 1630, his brother wrote that the efforts of his friends to have him received again in Holland had been fruitless.⁵ The prospects seemed to be altogether unpropitious for an attempt to return to the country he still loved; yet, encouraged by his wife, and by the recovery of some of his confiscated estate, he set out for Holland in October, 1631, on a French ship which landed him in Zeeland, whence he traveled to Rotterdam, where he arrived towards the end of the month.⁶ As the sentence against him was still in force, he was obliged to restrict his movements to the circle of friends. In Rotterdam the Magistrates were afraid to call upon him openly, and advised him not to appear in public, as there might be someone, even in the town where he had served the people so faithfully, who, for the sake of the reward offered nine years before for his arrest, would cause him to be apprehended.

It was at this time that the finest portrait we have of Grotius was made. At the request of his friends, he was painted by the artist Michiel Mierevelt, in Delft; and it was from this painting that the artist's son-in-law, Willem Delf, made the etching which

⁵ Burigny's "Vie de Grotius," Bk. I, pp. 186, 187.

⁶ Brandt's "Het Leven van Huig de Groot," Bk. IX, p. 405; Burigny's "Vie de Grotius," Bk. I, p. 188.

has become famous. Under the portrait was placed a verse by the great Dutch poet, Vondel, a worthy tribute to his friend.⁷

But Grotius was not long to remain in even comparative peace, for, on the 10th of December, 1631, the States-General issued a proclamation ordering all the bailiffs in the country to arrest the fugitive from justice.⁸ Again, however, the authorities were outwitted, for the 10th of December found him no longer in Rotterdam. Early in the morning of the 9th he had quietly slipped out of the town, bound for Amsterdam, having instructed his faithful servant to go to Delft in order to give the appearance that his master had departed.⁹ He arrived the same day in Amsterdam and took lodging in the house of Mr. Joost Brasser, receiving his friends and relatives there.¹⁰ But conditions did not improve. All efforts to secure his reestablishment in his own country failed; and even Prince Frederick, foreseeing in Grotius an obstacle in the path to supreme power, turned against him in spite of the fact that, on the 4th of August, 1622, he had signed himself in a letter to Grotius, "I am yours most affectionately to serve."¹¹

On the 17th of April, 1632, Grotius left Amster-

⁷ Brandt's "Het Leven van Huig de Groot," Bk. IX, p. 415.

⁸ *Ibid.*, Bk. IX, p. 419. This resolution was followed by many others, all directed against Grotius.

⁹ *Ibid.*, Bk. IX, p. 424.

¹⁰ *Ibid.*, Bk. IX, p. 425.

¹¹ Ecc. et Theo. Ep. 419, p. 683.

dam for Hamburg.¹² He arrived at Hamburg toward the end of the year, after having passed the summer at the country seat, called Ockinhuyse, of a friend, William Moor,¹³ where his wife, who had been in Zeeland, rejoined him. On the 17th of August, 1632, he wrote to his friend Vossius: "Oppressed by the violence of my enemies, to whom shall I turn for refuge, if not to her who has always been the faithful companion of my good and bad fortune, and to you who have given me public token of your friendship in my greatest misfortune?"¹⁴

Before passing on to the remaining years of Grotius' life, I venture to insert here a translation of a letter written by him to his brother-in-law, which is worthy of reproduction in its entirety. It was written on the 13th of December, 1631, just three days after the order for his arrest had been sent throughout the country. It reads as follows:¹⁵

"Worthy Brother:

"I wonder very much at the turbulence of so many members of the Assembly and the great bitterness shown against me. After so long an imprisonment, after confiscation of my property, during an absence

¹² Brandt's "Het Leven van Huig de Groot," Bk. IX, p. 442. Burigny, in his "Vie de Grotius," Bk. I, p. 196, places the date of departure as the 17th of March, 1632.

¹³ Burigny's "Vie de Grotius," Bk. I, p. 196.

¹⁴ Burigny's "Vie de Grotius," Bk. I, p. 197, quoting Ep. 298, p. 108.

¹⁵ This letter, in Dutch, may be found in Brandt's "Het Leven van Huig de Groot," Bk. IX, pp. 422, 423.

from my country of ten years, in the midst of many wrongs and injuries, to me and all of mine, I have sought all opportunities to serve the Land and all classes of its inhabitants, as far as I was able. Is it not fitting that all their hearts should have softened? The labor I have spent in order to make known to all our people their paternal laws to the honor and glory of Holland, well deserves, I think, that they had sent me a ship in which to come home, even as the people of Athens, in former times, did for Demosthenes for a lesser service. With much more reason still must the Hollanders comprehend that I, after the example of so many others, who also were wrongly dealt with by resolutions and proclamations, wish to enjoy the air of my Fatherland and the sight of my aged parents, who have so long longed for me. God be praised, that He still allows many opportunities for me to dwell in other places with honor and profit, lest I continually need to sorrow in the cruelty and ingratitude of my fellow countrymen; and, if affairs go on like this, may He justify me in saying with Scipio: 'Oh, ungrateful Fatherland, you shall not even have my bones.'¹⁶ To make any request, I now find much more unadvisable than before, for it will appear to be extorted by fear of the reward which they propose to give to those who would harm me. A noble heart must do nothing through fear. My life, my freedom, stand in God's hands. More than He permits,

¹⁶ "O, ingrata patria, nec ossa quidem mea habebis."

the evil of men cannot do; and if He allows it, it is for the best, if we only walk uprightly through life: as, in this journey, I had no other purpose than to discharge the duty I owed to my parents and to give some evidence of my longing for the Fatherland. I trust firmly that his Princely Excellency, for whose honor and good name I have wished from my childhood and, as far as possible, have sought, will perceive, with fairness and affection, my innocent and sincere love for the Fatherland, and for his illustrious house and person, and will not find it good, that people, by retarding the common advantage, should urge the most reasonable members of Holland to oppress me and to make me eternally useless to my country and my friends.

“Your obedient brother,

“H. DE GROOT.

“The 13th of December, 1631.”

The winter in Hamburg was spent at the house of a merchant, named Leonard van Sorgen, whose brother, Nicolas, was a lawyer at The Hague. From Hamburg Grotius wrote to the Court of France, saying that he could no longer justly accept money from the King, but that he should never forget the kindness of King Louis and of his many friends. His wife had gone to Zeeland, he said, “to collect the remains of our shipwreck, but I do not know into what haven we shall bring it.”¹⁷

¹⁷ Burigny's “Vie de Grotius,” Bk. I, p. 198.

Grotius' life in Hamburg affords little that is of interest. He seems to have occupied himself with the education of his host's two sons, and to have supervised the studies of pupils in groups of ten or twelve, so that he might learn their aptitudes and enable them to learn from each other. However, the death of his landlord on the 12th of August, 1633, made a change of residence necessary, and he went to live with a Dutchman, Assuerus Mathisius, formerly a clergyman at Deventer, who, having left Holland during the theological turmoil, subsequently married a wealthy widow of Hamburg. There Grotius passed his time in writing his "Sophomphaneas," or "Tragedy of Joseph," which he finished before he left the city.¹⁸

During Grotius' residence in Hamburg, influential men over all of Europe endeavored to secure his services for their respective countries; and it was in Hamburg that he met and conversed with Salvius, Vice-Chancellor of Sweden, a meeting which resulted in the appointment of Grotius as Ambassador from that country to the Court of Louis XIII of France.¹⁹

The period into which the diplomatic activities of Grotius fell was the latter part of the Thirty Years' War, commonly called the last religious war of Europe; a war which, beginning in 1618 had involved the greater part of the continent in ruin

¹⁸ Burigny's "Vie de Grotius," Bk. I, pp. 201, 202; Brandt's "Het Leven van Huig de Groot," Bk. X, pp. 451, 452; Ep. 337, p. 122.

¹⁹ Burigny's "Vie de Grotius," Bk. I, pp. 202, 203.

and desolation. In order to understand the work of Grotius as a diplomatist, it is necessary to review briefly the events of this momentous struggle up to the time of his entry into the diplomatic activities to which it gave rise.

At the beginning of the 17th century the contest between Protestants and Catholics had reached the danger point, but the tension was greatly increased when the Protestants, angered at the course of the Emperor Rudolph in placing an armed force in the free city of Donauwörth for the support of Catholicism, formed the Calvinist Union of 1608, and the Duke of Bavaria retorted by associating himself with bishops and abbots in a Catholic League in 1609.²⁰ But the event which finally precipitated the conflict took place in Bohemia. This Kingdom, recently added to the dominions of the House of Hapsburg, had heard the voice of Luther across the border, in Saxony, and embraced in its population many Protestants, to whom Rudolph, in 1609, granted a limited toleration. This concession, however, was grudgingly carried out, and in 1618 the Protestants, incensed at the duplicity of Rudolph's successor, Matthias,²¹ rose in revolt. The insurgents attacked the castle at Prague, in which the governors representing the Emperor were sitting, and threw two of them and their secretary out of

²⁰ This outline is taken from Schwill's "Political History of Modern Europe." For a fuller account, see Wakeman's "European History, 1598-1715."

²¹ Emperor Rudolph had died in 1612, and Matthias had been elected in his place.

the window. The fall was seventy feet, but no one was killed, either because of the soft refuse which had accumulated in the moat, or because, as some alleged, of the intervention of the Virgin Mary. However this may be, the insurgents set up their own government, and, although the incident was purely local, it proved to be the match which lighted the fuse of the Thirty Years' War.

This struggle, which was really an aggregation of wars, falls naturally into five periods:

- I. The Bohemian Period, 1618-1620.
- II. The Palatine Period, 1621-1623.
- III. The Danish Period, 1625-1629.
- IV. The Swedish Period, 1630-1635.
- V. The French Period, 1635-1648.

We can thus see how the struggle, beginning in Bohemia, gradually involved all of continental Europe, spreading into Southern Germany and the Palatinate, then into Northern Germany and its Protestant neighbor, Denmark, and later into Sweden, until the war, though still a German civil struggle, became also an European conflict between Protestantism and Catholicism, and, to a great extent, a struggle for supremacy between the two great ruling houses of Europe, those of Hapsburg and Bourbon. In the first period the Elector Frederick, whom the revolutionists crowned King at Prague on November 4th, 1619, attacked Emperor Ferdinand II, successor of Matthias and

leader of the Catholic cause.²² But Frederick was a man of feeble mentality, whose acts, when they exhibited any energy, seem to have been inspired by his wife, and in 1620 he met at Prague with a crushing defeat at the hands of Tilly, who was in the employ of the Catholic League. The Emperor Ferdinand, moreover, deprived Frederick of his electoral title and authorized Maximilian, Duke of Bavaria and head of the Catholic League, to take possession of the Palatinate. The leadership of the Protestant cause naturally fell to England, because of Elizabeth's Protestant leanings and because James I, the reigning King, was the father-in-law of Frederick. But James was not anxious to fight, and, with the promise of a subsidy, he finally induced Christian IV of Denmark to head a Protestant attack. In 1625 Christian took the field, only to be crushed in one campaign by the forces of Tilly and Wallenstein; and in 1629 he was thankful to sign the Peace of Lübeck which gave him back his Danish territories upon his promise to remain at home.

But in 1630 Emperor Ferdinand made the fatal mistake of dismissing the ambitious Wallenstein, just at the time when the Edict of Restitution of March, 1629, "the high-water mark of Catholic success," had united all of Protestant Europe against him. It was then that Gustavus Adolphus, the greatest figure of the Thirty Years' War, appeared

²² Matthias died in March, 1619, and Ferdinand II followed him as Emperor.

upon the scene at the head of an army. Richelieu, having put down the Huguenots, was now free to extend his foreign policy, and, welcoming the forces of Sweden which would weaken the Hapsburg power in the East, he concluded the Treaty of Bärwalde with the Swedish King, January 23rd, 1631, by which France was to pay the King two hundred thousand dollars for six years on condition that Gustavus maintain an army of thirty-six thousand men.²³

In September, 1631, Gustavus decisively defeated Tilly at Breitenfeld, and, at Lützen, November 16th, 1632, he defeated Wallenstein (once more fighting for Ferdinand), but his bravery had carried him too far into the enemy's cavalry and he was surrounded and slain. Two years later, in February, 1634, Wallenstein was murdered for the treason of which he had been guilty after Lützen. With Gustavus Adolphus there also died the moral and religious ideals of the Thirty Years' War, and the struggle now became one for political supremacy.

The late Swedish King, who was a scholar as well as a warrior, had looked upon Grotius as one of the great men of the age. It is said that, at the time of his death, he had with him a copy of the "*De Jure Belli ac Pacis*," which was found after the battle in the royal tent.²⁴ Sometime before his death he gave

²³ Wakeman's "European History, 1598-1715," p. 88.

²⁴ Gustavus Adolphus had also had the "*De Jure Belli ac Pacis*" translated into Swedish. Brandt's "*Het Leven van Huig de Groot*," Bk. X, p. 448.

orders that, in case he should die before his plans were accomplished, Grotius should be employed in the service of Sweden; and Oxenstiern, the Swedish High Chancellor, who now exercised almost absolute power, carried out the wishes of his dead master and sent word to Grotius to meet him at Frankfort-on-the-Main.²⁵ Grotius arrived there in May, 1634.²⁶ His reception was most kind; and, although the High Chancellor did not say what position he was to have, he sent for his wife and children, who reached Frankfort early in August. They then accompanied Oxenstiern to Mainz, where he appointed Grotius a Counsellor to the young Queen of Sweden, Christina,²⁷ and also made him her Ambassador to the Court of France.²⁸

Lest it may seem strange that the High Chancellor of Sweden, acting in accordance with the direction of the lately deceased King, chose Grotius, a Dutchman, to represent the Swedish Queen at the Court of France, it may be well to note that much of the culture of Sweden, during the 17th century, came from Holland. In his book, written in Swedish but translated into Dutch, "*De letterkundige betrekkingen tusschen Zweden en Holland, vooral in de 17de eeuw*," E. Wrangel has brought this out. Stranger than the embassy of Grotius to France is

²⁵ Burigny's "*Vie de Grotius*," Bk. I, pp. 209-210.

²⁶ Ep. 330, p. 849.

²⁷ Daughter of Gustavus Adolphus. She was born at Stockholm, December 18, 1626.

²⁸ Burigny's "*Vie de Grotius*," Bk. I, p. 211; Ep. 337, p. 851.

that of Jakob van Dyke, "Ambassador of the King of Sweden to the States of the United Netherlands in the Hague, a *Hollander, born at Haarlem*, a great lover of poetry and a friend of Grotius."²⁹ Grotius, however, decided to renounce his Dutch allegiance, and on the 13th of July, 1634, sent to the Prince of Orange, through his brother, letters declaring his expatriation and his adoption of allegiance to the Queen of Sweden. He also sent information to the same effect to the City of Rotterdam, which had forborne to elect a Pensionary since his sentence fifteen years before, and stated that the position which he had held was to be considered as vacant.³⁰

In the meantime, the aspect of the affairs of Sweden was not favorable. The indomitable courage and iron will of Oxenstiern had brought back the wavering to the cause of Sweden and had broken the attempts of the Duke of Brunswick and the Elector of Saxony to create disunion, but the battle of Nördlingen, in 1634, left Horn and sixteen thousand Swedes as prisoners in the hands of Austria, and by the Peace of Prague, in 1635, the Electors of Saxony and Brandenburg united with Emperor Ferdinand II.

The hope of the Protestant countries, and particularly of Sweden, lay in France, or, more exactly, in Cardinal Richelieu, and their future was in a large

²⁹ Brandt's "Leven van Vondel," ed. by Dr. Eelco Verwijs, 1866, p. 45.

³⁰ Burigny's "Vie de Grotius," Bk. I, pp. 212-213.

sense entrusted to Hugo Grotius when he set out from Mainz for Paris in the beginning of the year 1635, on the most important diplomatic mission Europe had known in a hundred years.

CHAPTER X ¹

DIPLOMATIC ACTIVITIES

Grotius journeys to Paris—His reception—Official duties—Oxenstiern comes to France—Diplomatic activities of Grotius—His difficulties—Efforts for peace—A diplomatic quarrel.

SETTING out from Mainz on the eighth of January, 1635,² when the roads were frozen and muddy in turn, Grotius was forced to make extensive detours in order to avoid encountering parties of the enemy. His progress was therefore necessarily slow, and he arrived at Metz on the twenty-fifth of January, much later than he expected and suffering from a severe cold. Five days later he wrote to Oxenstiern that he hoped to be able to leave Metz in a few days, and that he was suffering more in mind than in body, because of his restless desire to be again on his journey. His departure took place on the second of February, and on the seventh he passed through Meaux on the way to St. Denis. Arriving at this place, where his friend, Francis de Thou, hearing of his presence, hastened to meet him, he was compelled

¹ This chapter and the one following, were presented as a Master's thesis in International Law and Diplomacy at Columbia University.

² Cattenburgh's "Vervolg der Historie van het leven des heeren Huig de Groot," Bk. I, p. 10.

to tarry for some time because of the delay of the French Court in appointing a day for his formal reception.³ The cause of this delay is not altogether certain; but, judging by the questions asked by Count Brulon on February 23rd, as to who had sent him into France and as to the nature of Oxenstiern's powers, it is to be inferred that the Court of France hesitated to recognize an Ambassador not appointed by the Queen.⁴ In fact, it was not until the twenty-eighth of January, 1636, that the appointment given by Oxenstiern was ratified by the five Regents of the Kingdom in the name of the young Queen Christina.⁵

Nevertheless, on Friday the second of March, 1635, Grotius made his public entry into Paris attended by Marshal d'Estrées and Count Brulon, the latter acting in the place of Marshal St. Luc, who was ill. They came in the coaches of the King and Queen to escort the Ambassador into the city, and the coaches of the Venetian, Swiss and Mantuan Ministers were also in the procession, together with those of the German powers allied to Sweden. The Princes of the Blood did not send their coaches since they were not in Paris, Gaston, Duke of Orleans, being at Angers, the Prince de Condé at Rouen, and the Count de Soissons at Senlis with the Court.⁶

On the sixth of March, Grotius was conducted to

³ Burigny's "Vie de Grotius," Bk. I, pp. 217-218.

⁴ Ep. 364, p. 132.

⁵ Cattenburgh's "Vervolg," Bk. II, pp. 60-61.

⁶ Burigny's "Vie de Grotius," Bk. I, pp. 221-222.

the Court, sitting at Senlis, by the Duke de Mercoeur, later Duke de Vendôme and Cardinal, whom Grotius calls the most learned of all Princes.⁷ At the reception the King's guards were under arms, and the King spoke so graciously to him that Grotius began to hope that he might be successful in his mission. By all the Princes and their wives the Ambassador was equally well received, and, on March eighth, he sent Queen Christina news of his entry and of his audience with the King.⁸ It seems, however, that Paaw, the Ambassador of Holland to France, was somewhat embarrassed, being in doubt as to how he should treat his former countryman; but the instructions which were sent to him at his request, directed him to act toward Grotius as he would toward any other Minister of a Power friendly to Holland.⁹

With Richelieu the business was more serious. There were undoubtedly occasions when the Cardinal could ill afford to be over cordial, and, before he granted Grotius an interview, he desired to learn the nature of the latter's instructions regarding the treaty lately made between France and the German Princes, with which the Swedes had been dissatisfied. Following the battle of Nördlingen, in 1634, James Laefler and Philip Strecht were sent by the Protestant Princes and States of the Circles and the Electoral Provinces of Franconia, Suabia and the Rhine, to Paris to solicit the aid of France in the war against

⁷ *Ibid.*, p. 223; Ep. 339, p. 851.

⁸ Ep. 367, p. 134.

⁹ Burigny's "Vie de Grotius," Bk. I, p. 222.

Austria. They accepted an offer by the Cardinal of 500,000 livres and 6,000 foot in six weeks, the force of foot to be increased to 12,000 when France should, with the aid of the allies, have obtained possession of Benfeld; but they failed to stipulate that France should also continue to pay the subsidies which she had already pledged to Gustavus by the treaty renewed at Hailbron.¹⁰ After signing the new treaty, Laepler and Strecht returned to Germany; but, when a motion to ratify their act was made in the Assembly of the Allies at Worms, the High Chancellor of Sweden opposed it on the grounds that it conflicted with the previous treaty, and declared that he would send an Ambassador to France to settle the matter.¹¹ This burden was placed upon Grotius, a burden which weighed more heavily because of the determination of the Cardinal that the results of his negotiations with the envoys of the German Princes should not be disturbed.

With this object in view, Richelieu decided to leave the first discussion of the matter to Boutillier, Superintendent of the Finances. Accordingly, Grotius met Boutillier and a colleague of the latter, Father Joseph, in the garden of the Thuilleries, which he reached through the Convent of the Capuchins. Grotius not only maintained that the treaty could not be regarded as being in force till it had been ratified by Sweden, but he also declared that it

¹⁰ *Ibid.*, Bk. I, pp. 224-225.

¹¹ Burigny's "Vie de Grotius," Bk. I, p. 226.

could not be ratified because it would render nugatory the treaty of Hailbron. To this Father Joseph replied that the Ministers of the German Princes had been invested with full powers to treat and that the agreement had been signed at Paris without any stipulation concerning the necessity of ratification. The Swedish Ambassador, however, answered that the High Chancellor and even the towns which approved the treaty all insisted upon the necessity of ratification.¹²

Finding that Grotius was immovable in the stand he had taken, the French ministers became angry and threatened not only to complain to Oxenstiern of his conduct, but also to advise Louis XIII to cease to regard him as an Ambassador, but all without effect. They then said that the King would consent to the Swedes having command of the forces of France in Germany, although the treaty gave this command to a Prince; and, when this concession was rejected, Father Joseph left in a rage. Grotius then continued the negotiations with the calmer Superintendent, and contended that while France might give subsidies to the Germans if she chose, it was only just and fair that those promised to Sweden, and on the strength of which the latter was fighting partly for France, should also be paid.¹³

On the twenty-eighth of March, Richelieu sent for Grotius. The fact that the latter immediately

¹² *Ibid.*, Bk. I, pp. 226-227.

¹³ *Ibid.*, Bk. I, p. 229.

waited upon him ¹⁴ shows that the statement of du Maurier, that Grotius, while Ambassador from Sweden, never saw the Cardinal, is, to say the least, inaccurate. At this conference, in which the unrati-fied treaty was the chief subject of discussion, Riche-lieu argued that the King had aided the Swedes enough by supplying the Germans with men and money, while Grotius maintained that Laefler and Strext were not authorized to make a treaty so con-trary to the interests of Sweden. Father Joseph, who was again present, stated that the King had been informed that Grotius was the one who had per-suaded the High Chancellor to refuse to ratify the treaty, an accusation which Grotius denied. The Cardinal hinted that Sweden could not expect the subsidy of a million in the future, and Father Joseph, pretending that Oxenstiern only objected to the com-mand going out of Swedish hands into those of a Prince, intimated that the King would consent to this alteration. But Grotius insisted that the treaty of Hailbron be strictly adhered to and the deadlock continued.¹⁵

At this point Oxenstiern announced that he was coming to Paris to settle all difficulties in a confer-ence. The King ordered the Hotel for Ambassa-dors Extraordinary at Paris to be prepared for him, and, all discussions being suspended, went to Com-piégne to meet him. Grotius, however, in conse-

¹⁴ Ep. 380, p. 139.

¹⁵ Burigny's "Vie de Grotius," Bk. I, pp. 230-232.

quence of a special message received by a courier, joined the High Chancellor at Soissons, and accompanied him to Compiégne.¹⁶ Oxenstiern, who had 200 men in his retinue, was met by the Count d'Alais, son of the Duke d'Angoulême, and Count Brulon in the King's coach, the Count de Soissons, who had been first designated, being absent.¹⁷

It was the twenty-sixth of April, 1635, that Oxenstiern arrived at Compiégne, and on the next day he had an audience with the King which lasted half an hour and at which Grotius was present. On the twenty-ninth of the month the Cardinal returned Oxenstiern's visit, but the High Chancellor, foreseeing that a discussion of the Treaties of Paris and Hailbron would produce bad feeling, did not mention them and spoke only of the old treaty between France and Sweden. He consented that this treaty might be slightly altered, and induced Richelieu to agree that no peace or truce should be concluded with Austria without mutual consent.¹⁸

The next day, Monday the thirtieth of April, Oxenstiern left Compiégne for Paris to reside incognito with Grotius,¹⁹ but the crowds in Paris, clamoring to see him, were so great that they could scarcely be kept out of Grotius' home. The High Chancellor remained in Paris only two or three days, visiting the Louvre, Notre-Dame, and the Palais du Luxem-

¹⁶ Ep. 393, p. 143, and Ep. 396, p. 144.

¹⁷ Burigny's "Vie de Grotius," Bk. I, pp. 232-233.

¹⁸ *Ibid.*, Bk. I, pp. 234-235.

¹⁹ Ep. 400, p. 146.

bourg, and then, after taking leave of the King, from whom he received a diamond ring worth ten or twelve thousand crowns and a miniature of the King in a box set with diamonds, and after tactfully giving Madame de Groot a present, he proceeded, accompanied part way by Grotius, to Dieppe, whence he embarked for Holland.²⁰

The treaty of Compiégne gave rise to a dispute between Oxenstiern and the Duke of Weimar,²¹ to whom the Marquis de Feuquières hinted that the High Chancellor, in making his last agreement with France, had shown no regard for the interests of Germany. Although this insinuation had little or no foundation, it is not at all unlikely that Feuquières made it at the instigation of the Cardinal, who desired to gain the confidence of the Duke, while depriving the Chancellor of it. Meanwhile, Richelieu was still clinging to the Treaty of Paris, and Avaugour, the French Ambassador to Sweden, was instructed to demand its ratification. The Swedish government replied that Laefler and Strext were not sent out by Sweden, and referred the matter to Oxenstiern. Being thus thwarted in his attempts to secure the ratification of the Treaty of Paris, the French Ambassador was forced to confine his efforts to the ratification of the agreement of Compiégne.²²

The change in the fortunes of Grotius also

²⁰ Burigny's "Vie de Grotius," Bk. I, pp. 235-236; Ep. 344, p. 853.

²¹ Ep. 432, p. 159.

²² Burigny's "Vie de Grotius," Bk. I, p. 237.

brought a change to the minds of the Ministers of Charenton—Faucheur, Mestrezat and Daille—who had refused to admit him to their communion when he had resided in Paris as an exile from Holland. The Ambassador from Sweden to the Court of Louis XIII was, however, a different man in the eyes of the church, and on the second of August, 1635, the Ministers came to ask Grotius to join their communion.²³ In so doing they expressed the hope that he looked upon their confession of faith as consistent with Christianity, since they had read his work on "The Truth of the Christian Religion" and approved it. On the twenty-third of August, Grotius, who had not yet gone to Charenton, writing to his brother, said: "I deliberate in order that I may do only what is agreeable to God, of service to the Church and advantageous to my family."²⁴ But the Ministers eventually relieved his perplexities by deciding that, although they would be very glad to receive him as a citizen, they could not receive him as Ambassador from Sweden, since they disagreed with the religious doctrines adopted by that country. Grotius therefore resolved to worship thereafter at home, where his services were attended by Lutherans, as though he had publicly professed their religion. On December 28th, 1635, he wrote to his brother, "We celebrated the festival of Christmas at home, the Duke of Würtemberg, the Count of

²³ Ep. 350, p. 854.

²⁴ Burigny's "Vie de Grotius," Bk. I, p. 240; Ep. 354, p. 856.

Swartzenbourg and several Swedish and German noblemen being there.”²⁵ Grotius at first had as chaplain a Lutheran Minister, Brandanus, who, despite instructions to the contrary, was prone to criticize both the Catholic and the Reformed Churches, so that Grotius at last, in the Autumn of 1637, forbade him the use of the chapel, although keeping him in his home until the end of the following February. After that Grotius secured the services of an Arminian, Francis Dor, whose opinions in general very happily coincided with his own.²⁶

In the diplomatic world important events were taking place. Soon after Oxenstiern left France, the Peace of Vervins was broken and the French and Spaniards began the long war which was not to end until the Peace of the Pyrenees in 1659. When war was declared, the King of France and the Cardinal went to Château-Thierry. Grotius arrived at the court on the eve of Whitsuntide, 1635.²⁷ As the result of the victories of Marshals de Brézé and de Chatillon over Prince Thomas of Savoy, and of Marshal de la Force in Lorraine, the hopes and spirits of France were soaring high. Grotius, the Cardinal being at the moment indisposed, spoke to the Superintendent, Boutillier, and to the King about the payment of the subsidies, but without result. A little later he brought the matter to the attention of Richelieu, but the latter put him off until the return of

²⁵ Ep. 363, p. 858.

²⁶ Burigny's "Vie de Grotius," Bk. I, pp. 242-243.

²⁷ *Ibid.*, Bk. I, p. 243.

Chavigny, the Secretary of Foreign Affairs, and Grotius returned to Paris.²⁸

The interview with Chavigny was difficult to obtain, the latter advancing every possible excuse for delay. However, Grotius pressed him constantly and a meeting at length took place. Chavigny insisted, in reply to Grotius' demands, that he had only promised to help Sweden as far as he could, and that he intended to keep his word. Subsequently Servien, the Secretary of War, and the Cardinal both received Grotius most politely, but, while admitting the obligation of France, pleaded that her expenses were so great that delay was inevitable. Finally, although Father Joseph promised to use his endeavors to see that the money was paid, Grotius advised Oxenstiern to write to the King himself.²⁹ In the meantime Bullion promised to pay 200,000 francs, but never issued the order; and Richelieu, in September 1635, fearful lest the High Chancellor might conclude with the Elector of Saxony a treaty detrimental to France, promised that the Marquis de St. Chaumont should be sent to Sweden with power to act with Oxenstiern in the common cause, and referred Grotius to Bullion in regard to the subsidies.³⁰ Bullion, who was at Ruel, promised to pay at once only 200,000 francs and to raise the amount to 500,000 as soon as the King's affairs would permit. Meanwhile, St. Chaumont, a Catholic chosen to appease

²⁸ *Ibid.*, Bk. I, pp. 243-245.

²⁹ Burigny's "Vie de Grotius," Bk. I, pp. 245-248.

³⁰ *Ibid.*, Bk. I, pp. 248-251.

the Pope, was sent to Sweden without consulting Grotius, and on November 3rd, 1635, the latter found Richelieu at Ruel in a very bad mood, accusing Sweden of negotiating for a separate peace. On November 5th, Grotius saw the King, and on December 14th went again to Ruel,³¹ where he received, through a courier sent by St. Chaumont, some letters from Oxenstiern which he suspected had been opened. Subsequently Bullion and Servien assured him that 200,000 francs had already been ordered to be paid and that the remaining 300,000, which had been promised, should be turned over without delay.³²

In the beginning of the year 1636, the Cardinal accused Grotius of circulating reports about the deplorable condition of affairs in France. Grotius restored his composure by explaining that the circulation of the reports was due not to any act of his, but to the efforts of Paaw and Aersens and the newspapers of Brussels.³³ Moreover, the confirmation of Grotius appointment to the Ambassadorship, the confidence which Oxenstiern placed in him, and the friendship of the Prince of Orange, gradually had their effect on the attitude of the French Court and of Cardinal Richelieu in particular, and in May, 1636, the change became very apparent. At that time we find the Cardinal congratulating Grotius that part of the subsidies had been paid and compliment-

³¹ Ep. 528, p. 204.

³² Burigny's "Vie de Grotius," Bk. I, pp. 251-255.

³³ *Ibid.*, Bk. I, pp. 255-256.

ing him and the High Chancellor upon the way in which Sweden had prospered despite the desertion of her friends and allies. Richelieu also spoke of the gain that might be derived from an alliance with England, suggesting that, with her aid, France and Sweden might obtain the restoration of the Palatinate to Prince Charles Louis, the nephew of the English King.³⁴ This was the last interview Grotius ever had with the great Cardinal, who did so much to strengthen France internally and externally during the reign of Louis XIII.

The Ambassadors from the Protestant countries had for some time thought that it was beneath their dignity to allow a Cardinal to take the upper hand of them, since it might be interpreted as an acknowledgment of the Pope's authority. Lord Scudamore, the Ordinary Ambassador from England, and the Earl of Leicester, Ambassador Extraordinary, were the first to raise the issue, and we find Grotius writing to the High Chancellor: "I commend those who uphold their rights, yet I do not dare to imitate them without orders."³⁵ Later, however, having received no instructions to the contrary, Grotius also broke off his visits to the Cardinal; and his course met with the approval of the Queen's Ministry, although it was considered somewhat as a slight by France.

That Grotius was unpopular in some quarters is

³⁴ *Ibid.*, Bk. I, pp. 258-260.

³⁵ Ep. 598, p. 239.

not to be denied, and at this time he was disturbed by attempts to have him recalled. St. Chaumont, the Minister to Sweden, Paaw, the Dutch Ambassador at Paris, and Father Joseph, the most trusted diplomatist of Richelieu, were particularly active in this direction, and the matter proceeded so far that a request for his recall was sent to Oxenstiern. But the High Chancellor, realizing the worth of his Ambassador, and the fact that his unpopularity was due to his earnest work for the Queen, refused to listen to the complaints. A public declaration by Father Joseph that the French Ministers desired his removal because he was opposing the success and welfare of France, fared no better. The High Chancellor wisely decided that Grotius should remain in Paris as Ambassador, and not merely as an agent, as Grotius had himself suggested.³⁶

The chief difficulty seems to have been that Grotius was too honest to be popular in the world of diplomacy of that day. The presents welcomed by other diplomatists he refused to accept; the influences that succeeded with other Ambassadors he firmly repelled.³⁷ This incorruptible attitude he steadfastly maintained, even when he was most perplexed in regard to his finances. On September 14th, 1635, he wrote to Oxenstiern that the Treasurer of Sweden had neglected to pay his salary for the last quarter, and again, on November 8th, that he had received

³⁶ Burigny's "Vie de Grotius," Bk. I, pp. 263-266.

³⁷ Ep. 958, p. 428.

but one quarter's salary, which was owing before his arrival in Paris, and that two others were then due. By the end of 1638 six quarters were in arrears, while by the end of May, 1639, there was due him 40,000 francs, or \$8,000, being two years' full salary at 20,000 francs a year. Salvius now ordered that half of this should be paid out of the subsidies from France, but the money was slow in coming in, and Grotius was forced to tell Salvius that he would ask to be recalled if not paid.³⁸ It was at this time that Grotius was offered a pension by the French Ministry, which he promptly refused. Finally, on the twenty-first of January, 1640,³⁹ he wrote to the Queen of Sweden for permission to take his salary from the subsidies he was obtaining, and, without awaiting a reply, appropriated 16,000 thalers. This, as he advised Oxenstiern,⁴⁰ his necessities compelled him to do. Besides he was only following the precedent established by his predecessors.

Meanwhile, the first effort for peace in Europe was made. In 1636, Pope Urban VIII, seeing that the success of the Swedes in the war would prejudice the Roman Catholic religion in Germany, made a move for peace and called a conference at Cologne, with Cardinal Ginetti as mediator.⁴¹ Grotius was of the opinion that the Swedes ought not to accept the Pope's mediation or to send representatives to

³⁸ Burigny's "Vie de Grotius," Bk. I, pp. 272-273.

³⁹ Ep. 1308, p. 592.

⁴⁰ Ep. 1350, p. 612; April 14, 1640.

⁴¹ Burigny's "Vie de Grotius," Bk. I, p. 275.

Cologne. In this view he had the support of Lord Scudamore,⁴² the English Ambassador, who concurred with him in thinking that the Protestants would suffer in a conference over which the Pope's delegate presided. Although the other diplomatists at Paris, and particularly the French and Venetian, realizing that the conference could not take place unless Sweden was represented, urged Grotius to attend, the Swedes stood firm and the congress at Cologne never took place. It is interesting to note that Grotius was advised by Godefroy, one of the legates of France to the conference, not to attend. This act justifies a doubt whether Richelieu, under whose orders Godefroy acted, really desired a peace at that time.⁴³ It is reasonable to suppose that the Cardinal's foreign policy had not progressed to the point where he considered peace to be expedient. Sometime later the Republic of Venice, acting in conjunction with the Pope, sought to bring about a European peace. To this move the Queen of Sweden yielded her sanction, on condition that the Republic give her the honors due her as Queen and address her as "Most Serene and Most Powerful" instead of simply "Most Serene." The negotiations proceeded very satisfactorily between Grotius and Cornaro, the Venetian Minister, after they had arranged certain petty differences over their diplomatic positions and relations.⁴⁴

⁴² Ep. 690, p. 284.

⁴³ Burigny's "Vie de Grotius," Bk. I, p. 277.

⁴⁴ *Ibid.*, Bk. I, pp. 279-281.

In the era of which we write, questions of etiquette and precedence were deemed to be matters of the first importance; and, early in 1637, there occurred in France a very pretty diplomatic quarrel. Paaw, the Dutch Ambassador to France, having been recalled, his place was taken by Oosterwyk, former Ambassador of the United Provinces to Venice,⁴⁵ who, as he had been very intimate with Grotius, was desirous of renewing their friendship now that they were to be members of the diplomatic corps in the same city. He accordingly asked Grotius to send his coach to his public entry. This Grotius did, but the Ambassadors Ordinary and Extraordinary of England also sent their coaches, and a quarrel as to precedence ensued, in which swords were drawn. There seems indeed to have been a general confusion of coaches, horses, servants and diplomatists until Marshal de la Force, who was escorting the Dutch Ambassador, and who seems to have felt the responsibility of getting the Ministers safely back to Paris, settled the dispute by declaring that the question had been decided in the reign of Henry III in favor of the English. To this decision the Swedes submitted, and the coaches of the two Ambassadors Ordinary, Grotius and Lord Scudamore, were withdrawn, thus giving precedence to that of the Ambassador Extraordinary of England, the Earl of Leicester. The quarrel was, however, taken up by the Gazette of France, with which Grotius found fault because it

⁴⁵ *Ibid.*, Bk. I, pp. 281-282.

mentioned England before Sweden. On this question a conference took place between Leicester and Grotius, in which Leicester claimed that the precedence of Sweden over England was unheard of, while Grotius answered that *his* contention found support in the proceedings of the Council of Basel (1431-1449). Leicester further insisted that England had been converted to Christianity before Sweden, to which Grotius cleverly replied that this was a very bad reason whose employment might hinder the Pagans and Mahometans from becoming Christians.⁴⁶ The affair had no serious consequences, and was dropped after the Ambassadors had exhausted their stock of reasons and probably themselves. As an evidence that the quarrel never became so serious as to affect personal relations, we have the fact that Madame de Groot stood as godmother at the christening of Lord Scudamore's child in March, 1638, which was during the height of the dispute.⁴⁷

⁴⁶ Burigny's "Vie de Grotius," Bk. I, pp. 283-285.

⁴⁷ *Ibid.*, Bk. I, p. 287; Ep. 919, p. 406.

CHAPTER XI

DIPLOMATIC ACTIVITIES AND DEATH

Further negotiations—The conduct of Schmalz—Death of the Duke of Weimar, and the scheme of Charles Louis—His arrest and release—The exchange of Horn and de Vert—Renewal of the French-Swedish treaty—Arrival of C  risante—Grotius is recalled—His death.

THE last years of Grotius' embassy were, with the exception of a few incidents of importance, comparatively uneventful. As has been remarked, Grotius had resolved not to confer with the Cardinal again, but to treat instead directly with the King. Accordingly, on the twenty-second of November, 1636, just after His Majesty's return from the campaign of that year, the Swedish Ambassador called to congratulate him on his success, and again on the twenty-third of February, 1637, came to felicitate him on his reconciliation with Gaston of France and the restoration of union and peace in the Royal family.¹

When, in August, 1637, the King went to Chantilly, Grotius went thither to suggest to the King that he send a reinforcement to the Duke of Weimar, who had crossed the Rhine and was attempting to keep the German allies of France and Sweden from

¹ Burigny's "Vie de Grotius," Bk. II, pp. 1-2; Ep. 688, p. 281, and Ep. 719, p. 303.

joining the enemy.² The King promised to send the Duke as many men as he could spare. Again on September twenty-third,³ Grotius sought the King in order to deliver to him a letter from the Queen of Sweden and to acquaint him with the gallant stand Marshal Bannier was making against five armies in the field. Grotius added, however, that the marshal was incapable of holding out much longer without assistance and urged that prompt reinforcements would swing many towns, then wavering under the pressure of Austria, back into the Protestant column.⁴ At St. Germain on October 1st, 1637, Grotius renewed his solicitation of aid from Louis, presenting a letter from Christina, dated August 19th, 1637, and pointing out that, if the Austrians succeeded in defeating the Swedes, they would next overpower the Duchess of Savoy, the King's sister, and invade France. To Grotius the King gave assurances that he was then sending aid, and promised more in the future.⁵

The Duke of Weimar on the 2nd of March brilliantly opened the campaign of 1638 by a signal victory over the Austrians, capturing all their generals, including the celebrated John de Vert whose name had become a terror to the French. The King, upon receiving this good news, immediately notified Grotius, saying that he knew of no one to whose ears it

² Ep. 813, p. 354.

³ Ep. 327, p. 363.

⁴ Burigny's "Vie de Grotius," Bk. II, pp. 3-7.

⁵ *Ibid.*, Bk. II, pp. 7-8.

would be more welcome—for which honor Grotius thanked Louis in an Audience of March sixteenth.⁶

On the nineteenth of April, 1638, Grotius again besought the King for aid, and informed him that Queen Christina would assent to the proposed mediation of the Venetians if she were addressed properly, since a long truce might lead to peace. With this in view, the Queen gave her Ambassador in France full power to draw up a plan of a truce in concert with the King's Ministers. Louis told Grotius that the Count de Guébriant was already on the march to join the Duke of Weimar, that he would send more troops in the near future, and that he would nominate Chavigny to confer with Grotius on the question of a truce.⁷

In the beginning of June, 1638, Grotius again saw the King at St. Germain, requesting him once more to send reinforcements and to procure the release of Marshal Horn, the Swedish Commander, who had been captured in the battle of Nördlingen, by exchanging one of the enemy's generals for him. The King answered, however, that John de Vert was the only man for whom the Austrians would make the exchange and that de Vert was the prisoner of the Duke of Weimar,⁸ though Chavigny informed Grotius several days later that de Vert was really the prisoner of Louis.⁹

⁶ *Ibid.*, Bk. II, pp. 8-9; Ep. 926, p. 410.

⁷ Ep. 949, p. 421; Burigny's "Vie de Grotius," Bk. II, pp. 9-11.

⁸ *Ibid.*, Bk. II, pp. 14-15.

⁹ Ep. 971, p. 435.

Meanwhile, the Pope, perceiving that peace without his intervention was still very much a matter of the future, proposed a truce, and Grotius and Chavigny met on April 27th, 1638, to discuss a plan for it.¹⁰ The latter said he had learned from Schmalz, the Secretary of the High Chancellor, who had just arrived from Sweden with instructions for Grotius, that the Swedes expected the same subsidies during the truce that they had received through the war and that he thought this claim unreasonable. To this Grotius answered that the truce could be maintained only by keeping large armies in the field; that this would be a great expense, and that, during the Twelve Years' Truce (1609-1621) between the Spaniards and the Dutch, the King, following the example of his father, Henry IV, gave the Dutch the same assistance he had rendered during the war. Finally it was decided that Chavigny should consult with Richelieu, and Grotius with Schmalz, and that they should confer again in the near future.¹¹

The next meeting took place at Chavigny's house on the first of May, when Chavigny informed Grotius that he would lay any proposal of the Swedes before the Cardinal. Two demands were then put in writing by Grotius, first, that the subsidies should remain the same during the truce as they had been during the war, and, second, that the Swedes should not only keep the part of Pomerania which they held,

¹⁰ Ep. 950, p. 421.

¹¹ Burigny's "Vie de Grotius," Bk. II, pp. 17-19.

but that the rest should be ceded to them. These proposals Chavigny promised to submit to the Cardinal.¹²

On May eighteenth, Chavigny waited upon Grotius in order to resume the discussion.¹³ The French Minister declared that the King could not continue the subsidies, but would give 300,000 florins a year to the Swedes during the truce. Grotius declined to consent to a diminution of the former subsidies. As to Pomerania, Chavigny argued that the King could not demand the rest of that country from the enemy, and the conference ended by Chavigny promising to communicate the King's wishes to Grotius in writing.¹⁴

In the meantime Schmalz, jealous of Grotius' position, had done all that was possible to hurt him. He wrote to the Court of Sweden that they could no longer refuse to recall Grotius. To this act he was moved by the flattery borne to him by Count de Feuquières from the Cardinal, who, realizing that France had found a tool, assured Schmalz that Paris was extremely well pleased with him and that he would solicit his stay in France. To Chavigny, Schmalz declared that Sweden had resolved to be content with much smaller subsidies, and offered to prove this by letters.¹⁵

Chavigny being indisposed, Desnoyers, Secretary

¹² Burigny's "Vie de Grotius," Bk. II, pp. 19-20.

¹³ Ep. 960, p. 428.

¹⁴ Burigny's "Vie de Grotius," Bk. II, pp. 20-21.

¹⁵ *Ibid.*, Bk. II, pp. 21-22.

of War, was appointed to confer with Grotius; and he informed the latter that, as regarded the truce, everything had been settled between the Cardinal and Schmalz. Grotius, before answering, insisted upon seeing Schmalz, with whom he was willing to work in the interest of Sweden. Schmalz declared that he had settled nothing, but stated that he had full powers to act independently of Grotius in every affair of the embassy and advocated the acceptance of a subsidy of 200,000 florins during the truce.¹⁶ When Grotius doubted this statement, Schmalz became so insolent that Grotius wrote to the High Chancellor that one or the other should have exclusive power; and he later said: "I beg your Sublimity, that, if I can be of any use to you, you would be pleased to protect me, as you have done heretofore. In all I have done I have had nothing in view but the welfare of Sweden, and it has cost me much labor to raise up, by deeds and words, a nation little known in this country. If I cannot serve usefully, I would much rather return to the state of a private man than be a burden to the Kingdom and a dishonor to myself."¹⁷

Surely it was no easy task that Grotius had performed for Sweden. To a sensitive nature, such as his was, and with a delicate conscience, such as he had, many moments of those years must have been torture. His association with Schmalz was in every

¹⁶ Burigny's "Vie de Grotius," Bk. II, pp. 22-23.

¹⁷ *Ibid.*, Bk. II, pp. 23-24; Ep. 982, p. 444.



Madame Grotius at the age of fifty.

way burdensome. This worthy took up his residence with a Swede named Crusius, whom Grotius had presented to the King in July, 1638.¹⁸ One day the two friends appeared intoxicated at Grotius' house, and insulted Madame de Groot by fighting and using offensive language before her. This and other misconduct on the part of Schmalz Grotius forgave, in order that personal differences might not impair their ability to cooperate for the good of Sweden; and he even used his influence to calm Baron d'Erlach, attaché to the Duke of Weimar, who was enraged at Schmalz's abuse of the Duke.¹⁹ In the end Schmalz finally returned to Sweden, richer than he had left, and embraced the Catholic religion. He was soon imprisoned for his misdeeds, but had the good fortune to escape, taking refuge in Germany where he entered the service of the Emperor.²⁰

An incident connected with the introduction of Crusius to Louis XIII is perhaps worth mentioning. On their return from the audience, Grotius and Crusius passed through a village where a large crowd had assembled to witness the execution of some robbers. One of the mounted servants of the Ambassador, in order to make the throng give way for his master's coach, struck some of the people with his whip. The alarm immediately went out that the occupants of the coach were friends of the prisoners

¹⁸ Ep. 988, p. 447.

¹⁹ Burigny's "Vie de Grotius," Bk. II, pp. 24-25.

²⁰ Ep. 1046, p. 472; Burigny's "Vie de Grotius," Bk. II, pp. 25-26.

who had come to rescue them, and in consequence shots were fired at the coach with the result that the coachman received wounds of which he died some days later. Bullets passed within a few inches of Grotius' head, but he was unharmed, and the tumult ceased when his presence became known.²¹ The King, when informed of the incident, sent Counts Brulon and Berlise, the Introducers of Ambassadors, to apologize for it and to promise that the offenders would be punished when caught. Seven or eight of the inhabitants of the village where the crime was committed were arrested, tried and convicted, but Grotius obtained a pardon for them, thus preserving to them not only their lives but also their goods, the forfeiture of which had been decreed.²²

But to return to the truce. The negotiations, which had failed at Paris, were transferred to Hamburg to be carried on between the Count d'Avaux and Salvius, but only to meet the same fate. A truce was little desired by the French, the Swedes or even the Imperialists, and mutually acceptable conditions could not be arranged. Plainly the time was not yet ripe for it.²³

On October first, 1638, Grotius had an audience with the King, at which, after congratulating Louis upon the recent birth of a son, he asked the King to send aid to the Duke of Weimar who was about to

²¹ Burigny's "Vie de Grotius," Bk. II, pp. 26-27; Ep. 988, p. 447; Ep. 991, p. 449.

²² Burigny's "Vie de Grotius," Bk. II, pp. 27-29.

²³ *Ibid.*, Bk. II, p. 26.

be attacked by a vastly superior force.²⁴ Louis promised to strengthen the Duke's army as much as he could, but we find Grotius asking the same aid at another audience, on the tenth of November, 1638.²⁵ On the fourth of December, he waited upon the King and Queen to felicitate them, by order of the Queen of Sweden, upon the birth of the Dauphin. Grotius excused his Queen, on this occasion, for not having sent an Ambassador Extraordinary, on the ground that all the first lords of the country were employed in the army or in the Ministry, so that they could not well be spared for the long journey to Paris.²⁶

Toward the end of 1638 the fortress of Brisac surrendered to the Duke of Weimar, thus making Burgundy and Champaign more secure and strengthening the position of Alsace, Lorraine and Switzerland. Grotius paid his compliments to the King and asked that the money promised to Sweden might be paid, so that Marshal Bannier should be enabled to advance more strongly, and the King assured Grotius that the money would be sent.²⁷ But in March, 1639, we find Grotius again before Louis, having obtained an audience only after an argument with Count Brulon.²⁸ It is possible that the delay of the King in sending aid to the Duke of Weimar was the result of Richelieu's influence. The great French statesman undoubtedly regarded the Duke as a dan-

²⁴ Ep. 1038, p. 468.

²⁵ Ep. 1064, p. 480.

²⁶ Burigny's "Vie de Grotius," Bk. II, pp. 29-32.

²⁷ *Ibid.*, Bk. II, pp. 33-34.

²⁸ *Ibid.*, Bk. II, p. 34.

gerous factor and as a man who would bear watching. Moreover, the Cardinal had offered his niece to Weimar in marriage, and the Duke's refusal of this offer, together, with his desire to keep Brisac, which Richelieu wanted, quite enraged the Cardinal. His resentment, however, was soon to be modified, for a violent fever seized the Duke at Neuenburg, and on July 10th, 1639, after running a four days' course, consigned to the grave the Prince whom Grotius called "the honor and the last resource of Germany."²⁹ At the time of his death it was thought by some that the Duke had died of poison, and that Grotius was among this number we know from a letter which he wrote to Chancellor Oxenstiern on October 10th, 1639. "The more I reflect upon the death of the Duke of Weimar," said Grotius, "the more I am persuaded that he had on his body no marks of the plague, and that it was not in his house. So the rumors that he was poisoned again prevail and the suspicion falls upon the Geneva physician who was summoned to relieve his colic."³⁰

With the death of Weimar, Grotius lost a trusted and trusting friend, and Sweden a commander of her armies and a ruler of her towns.

As soon as the Duke's death became known, Charles Louis, Elector of Palatine and son of the unfortunate King of Bohemia, proposed to have himself recognized as head of the Weimarian army.³¹

²⁹ Ep. 1217, p. 549; Ep. 1224, p. 553.

³⁰ Burigny's "Vie de Grotius," Bk. II, p. 36.

³¹ *Ibid.*, Bk. II, pp. 38-51.

Needing funds, the Elector went to his uncle, King Charles I, of England, from whom he obtained £25,000 Sterling with a promise of more if needed; and he was also advised to work in concert with France, without whose assistance his attempt would be useless. This Charles Louis agreed to do; but he was too impatient to wait for the passport for which Bellévre, the French Ambassador in London, had written and which the Court of France, disliking his plan, was in no hurry to grant, and set out for France incognito. He was, however, too vain to keep his identity unknown, and, after embarking publicly under a salute, he landed at Boulogne, escorted by King Charles' ships which saluted him again as he disembarked.

Upon landing, the Elector started for Paris with five servants, and, after changing his name, took the road to Lyons, where the King was. His intention was to turn off into Switzerland and thus join the army, but the Cardinal, knowing his whereabouts, allowed him to proceed as far as Moulins, where he had him arrested and confined in the citadel.³² From thence Charles Louis was taken to Vincennes, where he was not permitted to write to anyone or to receive any visitors, although, after six days, he was allowed to walk in the garden; and after a month his two brothers, Maurice and Edward, were allowed to see him, though only in the presence of witnesses.³³

³² Ep. 1271, p. 576.

³³ Ep. 1283, p. 581.

His imprisonment, as may be supposed, raised not a little stir in Europe. The Earl of Leicester, as English Ambassador to France, demanded his release and the King of England wrote to the French King that he had sent his nephew into France to confer with the King, and that, if the latter would not give him an audience, he ought to send him back to England.³⁴ These requests, however, had no effect, and Charles I applied to the Queen of Sweden to intercede for his nephew. Accordingly, Grotius was permitted to confer with the French Ministers, and he drew up a plan of compromise, by which the Elector was to declare, in writing, that he never had intended to obtain control of the Weimarian army without the consent of the Queen of Sweden, and was then to receive the freedom of Paris on his own and the Earl of Leicester's promise that he would not leave the city without the King's consent. In this affair the French Ministry had need of Grotius' services, and treated him with a deference hardly shown before. In January, 1640, Chavigny, by order of the King, assured him that the past acts of which he had had reason to complain were the work of the deceased Father Joseph.

France was willing to agree to the terms of Grotius' compromise, but the Earl of Leicester, who had orders to demand the Elector's unconditional release, was obliged to write to the King for instructions. In the meantime the Cardinal decided that Charles

³⁴ Ep. 1291, p. 584; Ep. 1292, p. 585.

Louis should follow the Court, for the reason that he might thus be more easily watched, and be less able to interfere with France's control of the Weimarian army. The Queen of Bohemia, the Elector's mother, approved of Grotius' plan, and the Queen of Sweden ordered her Ambassador to request an audience of King Louis in order to present a letter from her to the same effect.³⁵ On February 18, 1640,³⁶ the audience, which an attack of gout, from which the King was said to have been suffering, had delayed, at last took place. Grotius urged that the Elector was young and impetuous, and that the best course was to forget what had occurred, since it had done no harm. His representations were, however, destined to do little good, for the Elector, pressed by Chavigny and unable to see Grotius, signed the declaration which the King desired, and was then conveyed incognito on the night of the thirteenth to the fourteenth of March, 1640, to the Earl of Leicester's house. A few months later France recognized Charles Louis as Elector and on July 25th, 1640, the King of France gave him complete freedom, subject only to the conditions he had signed, not to work against the interests of France. He accordingly set out for Holland, to remain there until the troubles with Scotland, which were to bring his uncle's head to the block, were over.

In the meantime Grotius had been occupied with

³⁵ Ep. 1319, p. 597.

³⁶ Ep. 1327, p. 601.

fresh negotiations for the exchange of Marshal Horn, the son-in-law of Chancellor Oxenstiern, who had been captured at Nördlingen. The famous John de Vert was at the same time a prisoner at Vincennes, but an exchange of these generals was blocked by two difficulties. In the first place the Duke of Weimar had declared that John de Vert was his prisoner and that he had sent him into France only to be kept there at his orders; in the second place the French Ministry were fearful lest Marshal Horn's return might be harmful to the common cause, since it might occasion a dangerous split in the allied forces.³⁷ In an audience with the King in the beginning of November, 1639, Grotius obtained Louis' promise to present the matter to the Ministry, after he had stated that, when the Duke of Weimar died, he had decided that John de Vert and Enkefort should be exchanged for Marshal Horn.³⁸ The Duke of Bavaria, who also had a claim to Horn, whom he had held as a prisoner, readily gave his consent to the exchange, and, in the beginning of September, 1640, just after the taking of Arras (a propitious time to approach the King), Grotius went to St. Germain to press the matter again. Not long afterwards Chavigny informed him that the King had consented to the exchange, provided the treaty between France and Sweden should be renewed; but the exchange was not executed, and Grotius sought

³⁷ Burigny's "Vie de Grotius," Bk. II, pp. 51-52.

³⁸ *Ibid.*, Bk. II, pp. 52-53.

an audience of the King at Rheims.³⁹ Here Louis promised positively that de Vert should have his liberty if the Duke of Bavaria would send Marshal Horn to Landau. Grotius so advised the Bavarian Court, de Vert was conducted to Selestad and the exchange was at length made at Strasburg.⁴⁰

But the exchange of the two generals did not settle the question of the renewal of the French-Swedish Treaty, which was soon to expire. This renewal was negotiated at Hamburg between Claude de Mêmes, Count d'Avaux, and John Adler Salvius, Vice Chancellor of Sweden. Grotius was subordinate to the latter, but was able to render great service, since he was so well acquainted with the affairs of France that he knew how far Sweden might go in her demand for subsidies before France would turn. On the twenty-ninth of September, 1640, he wrote to the High Chancellor that he knew the Cardinal would increase the subsidies if pressed. Accordingly, when the treaty was signed at the end of June, 1641, instead of the annual subsidy of a million francs which France had promised to Sweden by the last treaty, Sweden was now to receive 1,200,000; and this, in spite of the repeated declarations of the King that the treaty could not be renewed on the former terms.⁴¹

Cardinal Richelieu died in the year after the renewal of the treaty, passing away on the fourth of

³⁹ *Ibid.*, Bk. II, pp. 53-55.

⁴⁰ *Ibid.*, Bk. II, p. 55.

⁴¹ *Ibid.*, Bk. II, p. 56; Ep. 1420, p. 647.

December, 1642.⁴² Undoubtedly Grotius mourned little over this loss to France; the two great men were too different in temperament, character and ideals to work together, and consequently had been at swords points ever since they were brought into contact with each other.

Louis XIII did not long survive his Prime Minister, breathing his last on the fourteenth of May, 1643. Anne of Austria, Regent during the minority of her son, Louis XIV, informed Grotius through Chavigny, and repeated it herself, that the King's death would make no difference in the alliance between France and Sweden. Cardinal Mazarin, gaining the Queen's confidence, took up the reins of government where the grim warrior had caused Richelieu to lay them down, but Grotius refused to deal with him directly until so ordered by his Queen.⁴³

In the meantime the war had spread. Denmark had seized several Swedish ships trading in the Sound and Sweden had declared war against the King of Denmark. In an audience in the middle of April, 1644, Grotius, without instructions, laid the causes of the conflict before the French Queen, showing her the declaration of war, which he translated into Latin and caused to be printed in Paris. Sometime later these acts of Grotius were in effect approved by the Queen of Sweden when she directed

⁴² Burigny's "Vie de Grotius," Bk. II, p. 59.

⁴³ *Ibid.*, Bk. II, pp. 59-60.

him to give to the Regent just the information he had imparted.⁴⁴

The man who brought to Grotius the letters of Queen Christina, directing him to explain the grievances of Sweden against Denmark, was the adventurer Cérissante.⁴⁵ He was the son of Duncan, Minister of Saumur, and, being a master of belles-lettres, had been appointed governor to the Marquis de Foix, who later made him Lieutenant-Colonel of the Regiment of Navarre. But a quarrel, at the beginning of the Regency of Anne of Austria, with the Duke of Candale, made it necessary for him to leave the Kingdom, and he had retired into Sweden with the hope of gaining the favor of the Queen. In this he was not disappointed for she gave him a commission to levy a regiment, which he never raised, and sent him into France with the titles of Colonel and Agent of Sweden.⁴⁶

When Cérissante arrived in Paris he had orders to do nothing unless in concert with Grotius,⁴⁷ but, relying upon the feeling which continued disputes between the Swedish Ambassador and the French Ministers had generated in Sweden, he set out to work against Grotius to his own personal profit. The reader may recall that Grotius once wrote to the High Chancellor that, in view of the difficulties at-

⁴⁴ Burigny's "Vie de Grotius," Bk. II, pp. 60-61.

⁴⁵ *Ibid.*, Bk. II, p. 61.

⁴⁶ Burigny's "Vie de Grotius," Bk. II, p. 63; *Mémoires du Duc de Guise*, L. II, p. 78.

⁴⁷ Ep. 716, p. 970.

tached to the Swedish Embassy in Paris, it might have been wise to keep him in Paris only as an agent.⁴⁸ This suggestion was rejected, but in the course of time the false reports that were constantly sent into Sweden by his enemies in France made an impression on the Ministry. Grotius knew that this was the case, and as he had not been consulted in the appointment of Cérisante, he looked upon him as a spy sent by the Ministry to observe his conduct.⁴⁹ On November first, 1641, he wrote to his brother, "If they threatened to recall me from my embassy I should not be sorry; there is little profit in this kind of employment. I am tired of honors; old age approaches and will soon require rest."⁵⁰ A year later he wrote again, "I love quiet and would gladly devote the remainder of my life to the service of God and posterity. *If I had not some hope of contributing to the General Peace, I should have retired before now.*"⁵¹

The presence of a rash, selfish adventurer lording it over him was more than Grotius could bear, and at last, his patience exhausted, he wrote to Sweden asking that the Queen recall him. His request was readily granted.⁵²

⁴⁸ Ep. 690, p. 284.

⁴⁹ Cérisante was later dismissed from the Queen's service because of his dishonorable acts, but not until after Grotius' departure from Paris.

⁵⁰ Ep. 572, p. 928.

⁵¹ Ep. 620, p. 942.

⁵² Burigny's "Vie de Grotius," Bk. II, p. 64.

Grotius now addressed himself to Baron Oxenstiern, son of the High Chancellor and Swedish Plenipotentiary at the Peace of Münster and Osnabrug, requesting advice as to where he should go and asking for safe conduct from the Ambassadors of the King of Spain, the Emperor, and the Elector of Cologne. Queen Christina, in letters to the Queen of France and to Grotius, expressed her appreciation for the great services which he had rendered with fidelity and prudence.⁵³

While waiting for Baron Oxenstiern's reply, Grotius asked Spiringius, Swedish Agent in Holland, for a ship to convey him to Gottenburg, or, if he could not do that, to obtain for him a passport to go thither from Holland. He embarked at Dieppe for Holland, where he was received most kindly. With practically no opposition he was permitted to pass through the country, and the city of Amsterdam fitted out a vessel to carry him to Hamburg, where he arrived May 16, 1645, after a voyage of eight days with head winds.⁵⁴ On the next day Grotius set out for Lübeck, where he found many friends, and the end of March saw him at Wismar, where Count Wrangel, Admiral of the Swedish fleet, entertained him splendidly and sent him to Kalmar on a man-of-war.⁵⁵

⁵³ *Ibid.*, Bk. II, pp. 64-65.

⁵⁴ *Ibid.*, Bk. II, pp. 67-68; Ep. 1760, p. 749.

⁵⁵ Burigny's "Vie de Grotius," Bk. II, p. 68; Ep. 1762, p. 749; Ep. 1763, p. 749.

The High Chancellor was at Suderacher, about five miles from Kalmar, negotiating a peace between Sweden and Denmark. Upon receiving a letter from Grotius announcing his arrival, he sent, on the eighth of June, his coach to carry him to Suderacher, where he remained for a fortnight, honored by the Chancellor and the other Ambassadors.⁵⁶ Returning then to Kalmar, Grotius proceeded at once to Stockholm where, on the day after his arrival, the Queen received him, having come from Upsala upon hearing of his approach. Several audiences and dinners with the Queen followed, and she several times refused to grant him his dismissal, insisting that he should bring his family into Sweden and remain in her service as Counsellor of State.⁵⁷

But Grotius was resolved to leave. He asked for a passport, and, as this was delayed, decided to depart without one. However, he had only got to a seaport two miles away when a messenger from the Queen overtook him, saying that Christina wished to see him once more before he left. He accordingly returned to the Queen, who gave him 12,000 Imperials and some silver plate, which she presented to him with his passport, explaining that the finishing of the plate had caused the delay in issuing the passport. On the twelfth of August he embarked

⁵⁶ Burigny's "Vie de Grotius," Bk. II, pp. 68-69.

⁵⁷ *Ibid.*, Bk. II, pp. 69-70, reference to Le Clerc, L. XII.

for Lübeck on a vessel furnished him by the Queen.⁵⁸

It is uncertain what Grotius' plans were in embarking from Stockholm. Vondel, the Dutch poet, thought he intended to go to Osnabrug, where the Peace of Westphalia was in course of negotiation. Others thought he was returning to Holland, where the Republican party was growing stronger, or that he was going to Poland in the hope that the King would send him to France as Ambassador. It seems highly probable that Grotius' steps were leading him to Münster and Osnabrug, to interest himself in the great Peace which was to end the last professedly religious war Europe has known. But after that? Perhaps, wearied of the intrigue of negotiations, he only sought a quiet retreat where he could devote the remainder of his life to his project for the union of all Christians into one tolerant body, and all nations into an harmonious civilization.

The vessel on which Grotius embarked had hardly cleared the port when it was overtaken by a terrible storm and was obliged to put in, on the seventeenth of August, fourteen miles from Danzig. Grotius set out in an open wagon for Lübeck and arrived at Rostock on the twenty-sixth of August, very ill. A physician, named Stochman, was summoned, who said that Grotius was suffering from fatigue and that

⁵⁸ Vindic. Grot., p. 478; Burigny's "Vie de Grotius," Bk. II, p. 70; Cattenburgh's "Vervolg van het leven van Huig de Groot," Bk. X, p. 409.

rest would restore his health, but the next day he was worse, being very weak and in a cold sweat. Grotius, thinking that his end was near, asked for a clergyman, and John Quistorpius was called, who, in a letter to Calovius, gives us an account of the last moments of the great man.⁵⁹ It reads as follows:

“You are desirous of hearing from me how that Phoenix of Literature, Hugo Grotius, behaved in his last moments, and I shall gratify your wish. He embarked at Stockholm for Lübeck, and, after being tossed for three days by a violent storm, was shipwrecked and got to shore on the coast of Pomerania, whence he came to our town of Rostock, distant over sixty miles, in an open wagon, through wind and rain. He lodged with Balleman and sent for Stochman, the physician, who, observing that he was extremely weakened by years, by the shipwreck and the inconveniences of the journey, judged that he could not live long. The second day after the arrival of Grotius in this town, that is, on the eighteenth of August (old style), he sent for me about nine o'clock at night. I went, and found him almost in the throes of death. I said there was nothing I desired more than to have seen him in good health, that I might have the pleasure of his conversation. He replied that God had willed it thus. I told him to prepare himself for a happier

⁵⁹ Burigny's "Vie de Grotius," Bk. II, p. 72.

life, to acknowledge that he was a sinner and to repent of his sins; and, having made mention of the Publican, who confessed that he was a sinner and asked God's mercy, he answered: 'I am that Publican.' I continued and told him that he must have recourse to Jesus Christ, without whom there is no salvation. He replied: 'I have all my hope in Jesus Christ.' I began to repeat aloud in German the prayer which begins, 'Herr Jesu'; he followed me, in a very low voice with his hands clasped. When I had finished, I asked him if he had understood me. He answered: 'I understand you very well.' I continued to repeat to him those passages of the word of God which are usually recalled to the memory of the dying, and, asking him if he understood me, he answered: 'I hear your voice well, but I understand with difficulty what you say.' These were his last words. Soon after he expired, exactly at midnight."⁶⁰

Thus died this celebrated man, on the night of August twenty-eighth or the morning of August twenty-ninth, 1645,⁶¹ at the age of sixty-two.

After the vital organs were sealed in a copper casket and buried in the Cathedral of Rostock, to the left of the choir, the embalmed body was brought to Delft and there buried in the Nieuwe Kerk, Oc-

⁶⁰ Burigny's "Vie de Grotius," Bk. II, pp. 73-74. See Ep. Eccles. et Theol. 583, p. 828.

⁶¹ Cattenburgh's "Vervolg van het leven van Huig de Groot," Bk. X, p. 412; Burigny's "Vie de Grotius," Bk. II, p. 74.

tober 3, 1645, where it now rests, beside the bodies of the Princes of Orange.⁶²

He had written this epitaph for himself:

"Grotius hic Hugo est, Batavum captivus et exul,
Legatus Regni, Suecia magna, tui."⁶³

⁶² Cattenburgh's "Vervolg van het leven van Huig de Groot," Bk. X, pp. 412, 415; Fruin's "Hugo de Groot en Maria van Reigersbergh"—Verspreide Geschriften, IV, p. 93, note 4.

⁶³ Ep. 536, p. 915.

CHAPTER XII

AS A LIVING FORCE

Literary products of Grotius' last years—Praise of the statesman—The United States decorates the tomb of Grotius—Grotius as a living force.

LITTLE is known of Maria van Reigersberg after the death of her husband. Her last years were spent at The Hague where she died in 1653, cared for by relatives and friends. She had been the mother of seven children, three of whom had died young.¹

It would not be proper to close the biography of Grotius without giving a short account at least of those literary productions which came from his pen while he served as Ambassador from Sweden to France. Although these years were filled with many

¹Grotius was the father of four sons and three daughters. These were:

SONS

Cornelis, b. Feb. 2, 1613, at The Hague; d. Oct. 15, 1665, at Hertogenbosch.

Pieter, died young.

Pieter, b. March 28, 1615; d. June 2, 1678.

Diederik, named van Kraayenburg, after an old family castle, b. Oct. 10, 1618, at Rotterdam; d. 1661, near Maagdenburg.

DAUGHTERS

Cornelia, married Jean Barthon, vicomte de Montbas.

Maria, died young.

Françoise, died young.

cares and duties, he found, as was always the case with him, time to do additional work.

During the early years of his embassy he published his tragedy of "Joseph," and also his notes on Tacitus in Elzevier's edition of that author. In January, 1645, his collection of Greek Epigrams went to press under the title of "Anthologia," but it was not published, probably because of his death very soon after.² His translation of "The History of the Goths and Vandals," by Procopius, which he made in honor of the Swedes, was finished in 1636, but was not published until 1655.

While serving as Ambassador, Grotius revised his "History of Holland from 1560 to 1609," which he had first completed in 1612. This history was published twelve years after his death by his sons Cornelius and Peter, who dedicated it, in 1657, to the States of Holland and West Friesland.

"The Truth of the Christian Religion" was also revised and enlarged during this period, and his "Remarks on Justinian's Laws" was printed at Paris in 1642. The "Commentary on the Gospel" was finished in 1637, but not printed until some time later in Holland and France. It was followed by treatises on the Antichrist and other theological pieces, in 1640, which stirred up an irreconcilable controversy between the Roman Catholics and the Protestants, and really served as an obstacle to that

² The original manuscript of the "Anthologia" was deposited in the library of the Jesuits' College at Paris, in the year 1665, by Edmond le Mercier, Grotius' secretary.

reunion which was the sole object of the author's desires.

In 1642, Grotius' book on "The Origin of the People of America" was printed at Paris. A translation of this interesting work, by Edmund Goldsmid, was published in Edinburgh in 1884.

If Grotius' success aroused envy and his honest plans for reconciliation and truth produced enemies, his lofty ideals, his earnest endeavors, and unflinching courage also brought to him the warmest of friends. The men who recognized his genius as a boy remained his admirers until death carried them away. In this category are Vondel, Pontanus, Meursius, Gillot, Barlaeus, Dousa, de Thou, Scaliger, Casaubon, Vossius, Lipsius, and Baudius—great men all, who eagerly watched the growth of his leadership in the realms of law, philosophy, and religion.

That the friendship of Vondel for Grotius was of the deepest, truest quality is demonstrated by a poem, written by Vondel to Salmasius (though his name was not mentioned) when the latter attacked the dead Grotius. The lines of the indignant friend have been translated thus:—

"TO THE SLANDERER OF THE DECEASED ROYAL AMBASSADOR,
HUGO DE GROOT.

Oh Pharisaic sneer with seeming praise o'erspread,
Pursuing that dear form amongst the very dead,
Thou Hell-hound, who, relentless, dost not falter,
Although the Phoenix lies upon the altar,
To bark at Hercules, where he lies dead.

Wreak then thy will on him the world bemoans
And grind thy teeth upon his hallowed bones."³

Balzac, in a letter to Chapelain, said: "Whatever comes from Grotius is a high recommendation of him to me, and, besides the solidity of his learning, the strength of his reasoning and the charm of his language, I note in it a certain stamp of probity, that one may place entire confidence in him, save in what regards our church, to which, unhappily, he is a stranger."⁴

More remarkable still is the praise of Richelieu, who, though surely not prejudiced in favor of Grotius, considered him one of the three foremost scholars of his age, the other two being Salmasius and Jérôme Bignon. The latter, distinguished as Advocate-General, declared that Grotius was the most learned man the world had known since Aristotle.⁵

"If gold and silver could contribute aught to the redemption of such a glorious life," wrote Queen Christina to Grotius' widow, on the death of her husband, "I would gladly employ all in my possession for that result."⁶

Two hundred and fifty years later, in 1899, when

³ This poem may be found, in Dutch, in Vondel's Poems, Part II, p. 217; also in Cattenburgh's "Vervolg van het leven van Huig de Groot," Bk. X, p. 420. The translation above is Bowring's.

⁴ Burigny's "Vie de Grotius," Bk. II, p. 205, reference to II Lettre du XXI Livre, p. 831.

⁵ Burigny's "Vie de Grotius," Bk. II, p. 208, reference to du Maurier, p. 393.

⁶ Burigny's "Vie de Grotius," Bk. II, p. 210, reference to the Vie Latine.

the Czar of Russia called together at The Hague representatives from all the nations of the world for the purpose of discussing questions of International Law and furthering the movement toward universal peace, and the United States took occasion to decorate the tomb of Grotius with a wreath wrought in gold and silver, a notable incident of the day was the reading of a letter from the King of Sweden and Norway expressing the gratitude of that power for the services Grotius had so ably and faithfully rendered.⁷

The world holds for thinking men few monuments more inspiring than the church in Delft where Grotius lies buried. Three times in the last half century have the nations come to pay homage at this shrine. The first was on April 10th, 1883, the three-hundredth anniversary of Grotius' birth. The second was three years later, when a bronze statue was erected in front of the church to his memory. The third occasion was that of the Peace Conference of 1899.

The ceremony of placing the wreath upon the tomb of Grotius took place on the 4th of July, in the Nieuwe Kerk, in the city of Delft. Representatives from the various delegations in the conference were present. Outside, the winds raged and the rain beat furiously, as if nature were trying to remind the assemblage of the storm and stress in which

⁷ A. D. White's "Seven Great Statesmen," p. 109.

the life of the honored dead was passed. Within, the great organ poured out its wondrous tones, and at eleven o'clock the ceremony began. Jonkheer van Karnebeek, who was chosen to preside, opened with a tribute to Grotius, which was followed by similar addresses by Dr. Andrew D. White, then American Ambassador to Germany and President of the delegation of the United States in the Peace Conference; by His Excellency, W. H. de Beaufort, Minister of Foreign Affairs of the Netherlands; by Mr. T. M. C. Asser, Delegate to the Peace Conference from the Netherlands and President of the Institute of International Law; and by Dr. Seth Low, a member of the delegation of the United States, and President of Columbia University.

The wreath, with its leaves of oak and laurel—symbolic of civic virtue and of victory—bears this inscription:

"To the Memory of Hugo Grotius
In Reverence and Gratitude
From the United States of America
on the occasion of the International Peace Conference of
The Hague
July 4th, 1899."

To Grotius the scholar, poet, historian, theologian, lawyer, diplomatist and statesman, author of the "*De Jure Belli ac Pacis*," who as a boy had worshipped in that same church, who had trod those same streets, who had brooded over and thought out the problems of the world in that same city, and who was finally laid to rest there beside the body of Wil-

liam the Silent, the nations of the world on that day paid their homage.

In the midst of scenes of war and outrage, in which the fields of Europe were drenched with blood and its cities blackened with executions, he went forth to struggle for the redemption of civilization from the curse of useless battle. With the indomitable spirit of the man who later wrote, "Produce! Produce! Were it but the pitifullest infinitesimal fraction of a Product, produce it, in God's name!", he compelled Europe to listen to the precepts of International Law.

Although Grotius died three years before the Peace of Westphalia was concluded, the thoughtful and idealistic men of Europe had already begun to throw off the hideous Machiavellian philosophy with which it had become saturated, and to recognize the reason, justice and truth of his teachings, founded upon the Law of Nature and of Nations. The high esteem in which the "*De Jure Belli ac Pacis*" was held by Gustavus Adolphus has already been noted. That Cardinal Richelieu was also affected by the writings of Grotius there is little doubt, for, when he took La Rochelle in 1628, there was—contrary to abundant precedents—no massacre, no executions, but only an abolition of Protestant privileges.

The Peace of Westphalia, signed at Münster and Osnabrug, not only ended the Thirty Years' War in Germany, but also marked the close of the conflict which Holland had endured for eighty years. This

X peace embodied principles which Grotius had striven to expound, such as the independence and equality of sovereign states, and was founded upon the equitable and merciful doctrines which he had labored to impart. Despite the opposition of the Papal power, the peace was signed. The old order had changed, and the new which came in was largely the work of Hugo Grotius.

Although the wars of Louis XIV at first gave little evidence of enlightenment and mercy, yet when, in the War of the Spanish Succession (1701-1714), the contending armies crossed and recrossed parts of the soil on which the 'Thirty Years' War had been waged, Marlborough and Prince Eugene, and other commanders, exhibited in their conduct a sharp contrast with Wallenstein and Tilly, who had devastated those fields seventy years before. Destruction of property by fire and of peoples by massacre was practically abandoned; governments paid the costs of war, not the captured individuals; and prisoners were treated with justice and mercy. Grotius' influence was becoming felt, and warfare was growing less cruel.

The student of history acknowledges with thankfulness the great contributions to progress made by jurists and philosophers such as Ayala, Bodin, Covarruvias, Gentilis, Soto, Suarez, Vasquius, and Victoria; but he must also recognize that it was Hugo Grotius who above all others held up to nations the court of arbitration, administering one law for all,

as their common and ultimate destiny. Looking beyond the struggles born of avarice, jealousy, and misunderstanding, by which his own time was obscured, he rescued from the prevailing darkness this high ideal, and, with the faith and vision of a prophet, set it before a stricken world painfully toiling towards the day when might shall be subordinated to right, and justice shall reign unhindered.

APPENDIX

THE Edict drawn up by Grotius, and approved by the States, after the Remonstrance and Contra-Remonstrance of the Arminians and Gomarists, reads as follows:

“Whereas great dissensions and disputes have arisen in the Churches of this Country, on occasion of different explanations of some passages of Holy Writ, which speak of Predestination and what relates to it; and, these contentions having been carried on with so much heat, that some Ministers have been accused of teaching directly, or at least indirectly, that God has created some men to damn them; that He has laid certain men under a necessity of sinning; that He invites some men to salvation to whom he has resolved to deny it; other Divines are also charged with believing that men’s natural strength or works may operate salvation. Now, these doctrines tending to the dishonor of God and the Christian reformation, and being contrary to our sentiments, it has appeared to us highly necessary, from a regard to the honor and glory of God, and for the peace and harmony of the State, to condemn them. For these causes, after having weighed the matter, and long examined it with much conscience and cir-

cumspection, employing the authority which belongs to us as rightful sovereign, and agreeable to the example of the Kings, Princes, and Cities which have embraced the Reformation, we have ordained, and by these presents ordain, that, in the interpretation of the passages of Scripture above mentioned, everyone give diligent heed to the admonition of St. Paul, who teaches that no one should desire to know more than he ought; but to think soberly, according as God has dealt to every man the measure of faith; and agreeable to what the Holy Scriptures everywhere set forth, that salvation is of God alone, but our destruction is of ourselves. Wherefore, in the explanation of the Scripture, as often as occasion shall offer, the Pastors shall declare to the people, and instil into the minds of all under their care, that men are not indebted for the beginning, the progress, and the completion of their salvation, and even of faith, to their natural strength or works, but to the sole grace of God in Jesus Christ our Saviour; that we have not deserved it; that God has created no man to damn him; that God has not laid us under a necessity of sinning, and that He invites no man to be saved, to whom he has resolved to deny salvation. And, though, in the Universities, in conversation, and in those places where the Scriptures are expounded, passages may be treated of, which relate to predestination and what depends on it, and it may come to pass, as has happened before, and in our own times, to learned and good men, that persons may give in

to those extremes and absurdities which we disapprove and have forbidden; our will is that they shall not be proposed publicly from the pulpit to the people. But as to those, who, in relation to such passages, only believe and teach that God has from all eternity chosen to salvation, from the mere motion of His will, through Jesus Christ, our Saviour and Redeemer, those who, by grace which they have not merited and by the operation of the Holy Spirit, believe in Jesus Christ, our Lord, and by free grace given them, persevere in the faith to the end, we will that they be not molested on that account, nor pressed to embrace other sentiments, or teach other doctrines; for we judge these truths sufficient for salvation and proper for the instruction of Christians. We moreover ordain that all Pastors, in expounding the other articles of the Christian faith, make use of explanations agreeable to the word of God, to what is commonly received in the Reformed Churches, and what has been taught in those of this country, which we have maintained and protected, and now maintain and protect; that they exercise Christian charity and that they avoid greater divisions; for in this manner, we judge, they ought to act for the good of the State and Church, and the restoration of her tranquillity."

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